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SCRIPPS INSTITUTION  
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# THE SOCIAL EVIL

WITH SPECIAL REFERENCE TO CONDITIONS  
EXISTING IN THE CITY OF NEW YORK

A REPORT PREPARED [IN 1902] UNDER THE DIRECTION OF  
THE COMMITTEE OF FIFTEEN

*SECOND EDITION, REVISED, WITH NEW MATERIAL*

EDITED BY

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*1912*  
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## PREFACE TO THE REVISED EDITION

IN 1877, in the first attempt to grapple with the difficulties of the problem, Professor Sheldon Amos wrote in the preface to his great work<sup>1</sup>:

"The subject of this treatise encounters peculiar obstacles in the way of public and thorough discussion. It receives only scanty notice at the hands of public journalists. It can never form a topic of common conversation. It carries with it a reminder of shame, miseries, and wrongs which must be always distressing, and therefore instinctively shunned. One side of the subject, again, is appropriated, for the most part, by special members of a very special profession. On all these grounds it might be expected that laws and police regulations on the subject would resemble those plants which prosper best, or only, in the shade."

Since these words were written the conditions have changed materially. The discussion is no longer limited to the medical profession. It is being more and more recognised, and especially

<sup>1</sup> *A Comparative Survey of Laws in Force for the Prohibition, Regulation, and Licensing of Vice in England and Other Countries.* London, 1877.

by the broad-minded physicians themselves, that the problem is fundamentally a social and ethical problem. Slowly but surely there is emerging a recognition of the fact that while there are indeed grave dangers in indiscriminate discussion, no progress can be made without a frank and full treatment of the subject and a dissemination not alone of recent medical knowledge, but also of the teachings of modern ethics, economics, and social science, so far as they affect this entire topic. The battle has been half won when, as in America to-day, we find not only special associations devoted to this matter, but also its more frequent appearance on the programmes of many of our great scientific associations dealing with social and economic questions.

In the decade that has elapsed since the first edition of this book was published, there are several developments that call for notice: first, a growing feeling throughout the leading European countries that regulation is becoming more and more unsatisfactory; second, the portentous growth of the white slave traffic and the initiation of international legislation designed to cope with it; third, the continuance of the work of the Committee of Fifteen in New York City by the Committee of Fourteen and the attempts to deal in detail with the administration of the present laws; and finally, the awakening of interest throughout the United States as evidenced especially by the reports of

the Chicago and Minneapolis commissions, and by the formation of the new national society.

When the publishers of this work approached me with the statement that the original edition had long been out of print, and asked me to undertake a new edition bringing the matter down to date, I felt that, however difficult it might be for me to turn aside from my other occupations, I owed it as a duty to my former colleagues to undertake the task. In these ten years eight out of the original fifteen members of the Committee of Fifteen, including its distinguished chairman, have passed away. It being, therefore, impracticable to issue this new edition under the auspices of the committee as a whole, I have, after consultation with the remaining members, decided to publish the additional matter on my own responsibility.

The report proper is re-issued without any changes. The new matter will be found in Part III. It has also been deemed wise to include a rather comprehensive bibliography on the subject.

In preparing this new matter I have been much helped by generous gifts of material from the leaders of the reform movement in Europe, notably from Mme. Avril de St. Croix of Paris, M. Henri Minod of Geneva, Frau Katharina Scheven of Dresden, and Dr. H. M. Wilson and Mr. W. A. Coote of London. My warm thanks are also extended to Miss Marion Dodd of the New York Vigilance Society for assistance in compiling the

bibliography, to Mr. Frederick H. Whitin of the Committee of Fourteen for gifts of material, and to Dr. Prince A. Morrow for many suggestions and for assistance in reading the proof.

EDWIN R. A. SELIGMAN.

COLUMBIA UNIVERSITY,

January, 1912.

## PREFACE TO THE ORIGINAL EDITION

IN the fall of 1900, the city of New York was startled by discoveries in regard to the spread of the Social Evil in certain districts, and as to the extent of flagrant offences against public morality and common decency. A meeting of citizens was held at the Chamber of Commerce in November, as a result of which the Committee of Fifteen was called into existence. The objects which the Committee of Fifteen undertook to accomplish were thereupon stated as follows:

(1) To institute a searching inquiry, uninfluenced by partisan considerations, into the causes of the present alarming increase of gambling and the Social Evil in this city, and to collect such evidence as shall establish the connection between existing conditions and those who, in the last analysis, are responsible for these conditions.

(2) To publish the results of such investigations in order to put our fellow-citizens in possession of facts, and to enable them to adopt such corrective measures as may be needed.

(3) To promote such legislation as shall render it less difficult to reach offenders, and as shall put an end to the shifting and division of respon-

sibility in the local administration of the laws relating to vice and crime, to the end that public officers and their subordinates may be held to a strict accountability for their acts.

(4) To suggest and promote the provision of more wholesome conditions and surroundings, in order to lessen the allurements and incentives to vice and crime.

During the winter and spring of 1901 the Committee devoted its attention chiefly to the first object. Its corps of investigators collected a mass of information and evidence, a part of which was utilised in bringing some of the offenders to justice, and in exposing the notorious "cadet" system. The Committee also co-operated with the framers of the new Tenement House Bill in securing its enactment into law. As a result of this law and of the facts collected by the Committee, it became possible to take measures for the eradication of prostitution from the tenement houses.

The overthrow of the control of the municipal administration by Tammany Hall and the success of the Reform movement in the municipal campaign of 1901 (a campaign in which the information supplied by the Committee of Fifteen constituted a very important factor) rendered it possible for the Committee to abandon any further work of a police nature or having to do with the supervision of public morals.

The third object of the Committee, however, was to promote satisfactory legislation on the subject of the Social Evil. In order to make intelligent preparation for its recommendations, a sub-committee was appointed to make a study of the history of regulation and its application to present conditions in New York. The sub-committee was fortunate in securing for this work the services of Mr. Alvin S. Johnson, at the time University Fellow in Economics at Columbia University, and now Instructor in Economics at Bryn Mawr College. The investigation contained in Part I. is almost entirely the work of Mr. Johnson, to whom the thanks of the Committee are due. It is believed not only that the report constitutes a valuable scientific contribution to the subject, but that in no other publication can there be found so comprehensive or so clear a statement of the problems involved. Certain features of the Raines Law are so intimately connected with the existence of prostitution in New York that it has been deemed wise to include in the appendix an account of that law.

The conclusions and recommendations of the Committee itself are found in Part II. The appendix to this part contains a summary of the operations of the Committee with special relation to the "cadet" system and to the existence of the Social Evil in tenement houses.

NEW YORK, January 2, 1902.



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PART I.



# THE SOCIAL EVIL

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## CHAPTER I

### THE PROBLEM OF PROSTITUTION

PROSTITUTION is a phenomenon coextensive with civilised society. Barbarous and semi-barbarous peoples have at times been free from it. The ancient Germans, we are told, tolerated no prostitution in their midst; and there are said to be Siberian and African tribes to-day of which the same thing is true. But no sooner has a people attained a moderate degree of civilisation than this social curse has fallen upon it; nor has any race reached a point of moral elevation where this form of vice has disappeared.

The most venerable traditions, the most ancient records, all bear testimony to the antiquity of prostitution. Even a careless reader of Scripture knows how constantly it beset the ancient Hebrews, and how vain were the efforts of sages and lawgivers to stamp it out. Nurtured by a

vicious religion, it flourished throughout Asia Minor; and when civilisation moved westward to Greece and Rome, prostitution followed as its shadow. The rise of the mediæval cities in Western Europe was marked by the introduction of the brothel. The great development of trade and commerce that ushered in modern times was also responsible for the universalising of "the social evil."

Glancing at present conditions, we find that no important nation is free from the taint. The great cities of the world vie with each other in the vast numbers of those who gain their living by immorality. Nor is there reason to think that this condition is transitory. He would be an optimist indeed who could believe that a time will come when the problem of prostitution shall cease to be important. Like the pauper, the prostitute is a creature of civilisation, and, like the pauper, will continue to thrust her undesirable presence upon society.

The fact that prostitution is practically universal has impressed itself strongly upon the numerous writers who have dealt with the subject. The inference has frequently been drawn that all efforts to suppress or restrict vice must be vain, and that the only rational course to pursue is to recognise its existence and to minimise its attendant dangers. There have been authorities who held the view that vice is an essential element

in society, hence ineradicable. Others have gone so far as to affirm that what is best and purest in civilisation could not have existed but for the sacrifice of a portion of womankind to immorality.<sup>1</sup> The saner authorities, however, content themselves with stating that vice is the inevitable result of causes which society has never yet been able to control.

It is frequently said that vice is a constant and invariable element in social life. This is, however, obviously untrue. So far as one can judge from the fragmentary history of morality, periods of gross licentiousness have alternated with periods of comparative decency. The degrading influence that intercourse with a lascivious nation has exercised upon a people of comparatively pure morals is well known to every student of history. The Romans were disciples of the Greeks in immorality as well as in arts and sciences. The renewal of intercourse with the East that followed the Crusades was attended by a serious deterioration of European morals. On the other hand, the spread of Christianity, the Reformation, and the rise of chivalry, it is generally admitted, brought about a decided improvement in the moral tone of Europe.

Social and economic changes have frequently been marked by an increase or a diminution in

<sup>1</sup> Lecky, *History of European Morals*, ii., 299; Hügel, *Zur Geschichte, Statistik und Regelung der Prostitution*, 76.

vice. A prolonged war, more especially if it be a civil war, has generally resulted in an exaggeration of this evil. The Thirty Years' War and the French Revolution are notorious in this respect. Even minor phenomena, such as commercial disturbances, are not without a demonstrable effect upon the volume of vice.

That vice is a varying phenomenon, bearing no constant relation to population, is evident to any one who has studied the conditions of modern cities. It has been affirmed that the greater the city, the larger will be the proportion of the vicious. While this is probably true, yet certain cities have attained a pre-eminence in evil reputation that is not to be accounted for merely by their size and wealth.

This fact, that vice varies from age to age and from place to place, is a sufficient indication that the causes of which it is the result do not operate with uniform force. It suggests the idea that while it may be impossible to control all of the causes of prostitution, and so to eradicate it, certain of them may be brought under control, with the result of limiting the evil.

Not less striking than the variations in the volume of vice are the variations in its general character. In Rome the masculine factor in vice consisted in the soldiers and freedmen, the gladiators and ruffians, the throngs of the idle and turbulent that congregated in the great capital

of the world. The feminine factor was made up chiefly of the vast numbers of slave women, captured in the unceasing wars of conquest. Roman vice reached its climax when these elements grew to such proportions as to overshadow orderly society. In the Middle Ages the masculine factor consisted in the soldiers of fortune, travellers and outlaws, apprentices and pseudo-clergy, that made up the floating population. The feminine factor was largely composed of women abducted by robber bands, captured in petty wars and abused by the soldiery, and of the neglected offspring of these unfortunates. As the floating population increased with the breaking up of the old order, as wars became more prolonged and their demoralising effect more general, mediæval prostitution attained extraordinary proportions. All society seemed to be demoralised. Modern prostitution bears the peculiar stamp of modern social and industrial conditions. The hosts of unmarried workers of the great trading or industrial city represent the masculine factor; the feminine factor consists of women and girls from the midst of the social organism who have been impelled by circumstances to make a quasi-voluntary choice of prostitution as a means of livelihood. Speaking generally, we may say that the ancient prostitute was a slave, the mediæval prostitute an alien, the modern prostitute is a citizen.

The fact is not to be overlooked that there is

an element in prostitution which remains fairly constant. In every society there have been women whom circumstances have destined for honourable life, but who from innate perversity chose the life of shame. Modern criminal anthropologists have shown that in physical, mental, and moral characteristics these women form a type which varies little with time and place. Some scientists have gone so far as to declare that these are the only real prostitutes.<sup>1</sup>

The truth seems to be, however, that the importance of this element is greatly overestimated. The victim of force or fraud, or of adverse social and economic conditions, soon reaches a point where she is indistinguishable from the congenital pervert.

It is a trite saying that the real cause, the *causa causans*, of prostitution is to be sought in the male factor. A community, it is said, will have as much vice as it is willing to pay for. "Demand will create a supply." In this bald and cynical form the statement is obviously untrue. There is not in any community an indefinite number of women who are ready to sell their honour for a sufficient price. The number who do so varies chiefly for reasons that are independent of the "demand." Nevertheless, the idea is not without a fraction of truth. Under existing conditions, many women are attracted, rather than

<sup>1</sup> Lombroso, B. Tarnowsky, Pauline Tarnowsky, Ströhmburg.

forced, into prostitution. The greater the earnings of the prostitute, the richer her attire, and the more luxurious her mode of life, the stronger is the attraction for those who are upon the borderland of vice and virtue. Accordingly, any account of the causes of prostitution may properly begin with a consideration of the general reasons that are responsible for an extensive "demand."

This problem is intimately connected with that of the movement of population toward the city. A great part of the population of a modern city consists of young men who have drifted thither from the country and small towns, attracted by the greater opportunities of rising in social life and by the greater degree of personal comfort that the city offers. As a rule, the income that a young man earns, while sufficient to secure a fair degree of comfort for himself, does not suffice for founding a family. As his income increases, his standard of personal comfort rises; accordingly, he postpones marriage until a date in the indefinite future, or abandons expectation of it altogether. His interests centre almost wholly in himself. He is responsible to no one but himself. The pleasures that he may obtain from day to day become the chief end of his life. A popular philosophy of hedonism furnishes him with a theoretical justification for the inclinations that are developed by the circumstances in which he is

placed. It is not unnatural, then, that the strongest native impulse of man should find expression in the only way open to it—indulgence in vice.

At the same time that personal scruples with regard to continency dissolve in the crucible of city life, the main external check upon a man's conduct, the opinion of his neighbours, which has such a powerful influence in the country or small town, tends to disappear. In a great city one has no neighbours. No man knows the doings of even his close friends; few men care what the secret life of their friends may be. Thus, with his moral sensibilities blunted, the young man is left free to follow his own inclinations. The greater the city, as a rule, the more pronounced in this respect is its demoralising influence; and our cities are growing steadily greater and are in an ever greater degree setting the moral tone for the country as a whole. The problem of masculine vice, it will be seen, is an integral part of that infinitely complex problem, the "Social Question."

It would be impossible in a brief sketch to analyse the complicated phenomena of feminine vice. It is possible, however, to select a few of the most important and most characteristically modern elements. In the first place, there is a large class of women who may be said to have been trained for prostitution from earliest childhood. Foundlings and orphans and the offspring of the

miserably poor, they grow up in wretched tenements, contaminated by constant familiarity with vice in its lowest forms. Without training, mental or moral, they remain ignorant and disagreeable, slovenly and uncouth, good for nothing in the social and economic organism. When half matured they fall the willing victims of their male associates, and inevitably drift into prostitution. This element is to be found in almost every large city; but it is in London where it is to be found in the greatest extent and the greatest hideousness.

Another form is closely connected with the appearance of women in industry. In many cities there are great classes of women without any resources excepting their earnings as needle-women, day-workers, domestics, or factory hands. These earnings are often so small as barely to suffice for the urgent needs of the day. A season of non-employment presents them with the alternatives of starvation or prostitution. These form the "occasional prostitutes," who, according to Blaschko, far outnumber all others in the city of Berlin. When employment is again to be had they withdraw from the life of shame, if its irregularities have not incapacitated them for honourable labour.

A third class, one which is more or less typical of American prostitution, is made up of those who cannot be said to be driven into prostitution either

by absolute want or by exceptionally pernicious surroundings. They may be employed at living wages, but the prospect of continuing from year to year with no change from tedious and irksome labour creates discontent and eventually rebellion. They, too, are impregnated with the view that individual happiness is the end of life, and their lives bring them no happiness, and promise them none. The circumstances of city life make it possible for them to experiment with immorality without losing such social standing as they may have, and thus many of them drift gradually into professional prostitution.

Any social problem, it must be remembered, appears impossible of solution when whole classes are viewed as units. The influences that are chiefly responsible for the great mass of vice are not within the control of government. Yet it is evident that there are infinite gradations from those who would remain pure under any circumstances to those who are almost destined by nature or surroundings to succumb to vice, and that those who are upon the margin of a life of shame may be rescued or degraded by social action. By private and public means something can be done to improve the surroundings of poor children, to relieve the distress of industrial workers in times of non-employment, to improve the outlook of those women whose lives are to be spent in the abnormal environment of factory and shop. Experience

has shown the futility of measures that aim to abolish the evil. There is, however, every *a priori* reason to believe that its extent may be limited by a judicious policy of prevention.

## CHAPTER II

### REGULATION—ANCIENT, MEDIÆVAL, AND MODERN

*Ancient Regulations.*—Of the ancient nations with the life of which we are best acquainted, the Hebrews alone understood that prostitution is itself a serious evil. The Greeks and the Romans saw clearly that certain evils resulted from it, and it was their constant endeavour to divest it of those attendant evils. The trend of Jewish legislation may accordingly be described as repressive; that of Greece and Rome as regulative.

In Greece and Rome the evils that were the subject of legislation were religious, social, and political—never hygienic. Religion required that the family should be preserved in its integrity from generation to generation; hence anything that would make legitimacy of offspring doubtful was execrated. Politics required the greatest possible number of citizens of pure blood; hence anything that would incapacitate the daughters of citizens for marriage and motherhood was considered a public calamity. As a result, we find a body of drastic legislation which made the woman

whose honour was tainted a total outcast from society. It was the aim of the legislator to prevent, so far as possible, the fall of free women, and to make impossible the return to decent society of such as had fallen.

The social consequences of masculine vice practically escaped the notice of the Greek and Roman. Although there is evidence enough that venereal disease existed, its effect upon the welfare of the community was not understood. The existence of a numerous class of slaves obviated the necessity of sacrificing free women to immorality. Accordingly, it is not surprising that the utmost latitude of conduct was granted to the freeman, while regularity of life on the part of free women was enforced with the utmost severity. The preservation of city, clan, and family depended upon the chastity of the women; it did not depend in anything like the same degree upon the chastity of the men.

It was impossible, to be sure, to confine vice absolutely to slave women. But if free women fell, they were assimilated to the class of slaves. In Rome they had no right to enjoy their property, they had no control over their children, they could not give oath or make accusation. Their status differed from that of slaves in that they had no particular master. They were, in a sense, public property, and were required to live in quarters set apart for them, and were subjected

to regulations as to dress and conduct which might distinguish them as such wherever they might be. In Rome, as early as 180 B.C., they were registered in the books of the ædiles, in order that their peculiar status might be the more perfectly defined.<sup>1</sup>

After Rome had grown into a world empire, the line between slave and serf, freedman and free-born, tended to become obscure. At the same time, a thorough degradation of morals permeated all society, so that it was no longer possible to separate the immoral from the honourable. Prostitutes still formed a special class, but such regulation as continued to exist had for its chief purpose the collection of revenue from the earnings of the public prostitute. This end also was abandoned when a higher type of imperial authority realised the dishonour of public sharing in infamous gains. Under the Christian Emperors repressive laws were enacted, thus concluding definitely classical regulation of vice.<sup>2</sup>

Modern writers have sometimes claimed that prostitution was "tolerated" in Rome and Greece as a means of combating the unnatural vice which

<sup>1</sup> The origin of the special quarter and the special garb is probably to be found in the fact that the public women were originally "priestesses" of Venus, and lived in the precincts of the shrines and wore a garb indicating their religious office. The transition to the status of public slaves with the fading out of the religious idea can be easily understood.

<sup>2</sup> Parent-Duchâtele, *De la Prostitution dans la ville de Paris*, 3d ed., vol. ii., 268.

was so common in ancient civilisation. It is a sufficient refutation of this position that not until a comparatively late date was unnatural vice considered an evil, while prostitution was permitted from the earliest times. Moreover, so numerous were the slave women devoted to infamy that it is difficult to conceive how any one can believe that it was dearth of "natural" vice that was responsible for the hideous development of unnatural vice that disfigured the history of decadent Greece and Rome.

*Mediæval Regulation of Vice.*—At the beginning of the Middle Ages the states of Western Europe pursued a strictly repressive policy with regard to prostitution. The capitularies of Charlemagne imposed upon the prostitute and those who sheltered her imprisonment, whipping, and exposure. For this severity, the legislation of the late Roman and Byzantine Emperors was no doubt partially responsible. A more potent influence was, however, exercised by the early Teutonic customs and laws. Tacitus states that in some German tribes women of unchaste life were punished by death. The Salic law prescribed banishment for them, and the laws of the Visigoths (600 A.D.) inflicted the penalty of beating with rods.

But as population increased and became more settled the treatment of the vicious underwent a gradual change. By the tenth century, the

persecution of the prostitute had practically ceased. Prostitution came to be tolerated, but under regulations that were aimed to divest it of the consequences that to the mediæval mind seemed evil. In 1180 Henry II. gave a royal patent for the legalisation of public houses of prostitution in London. They were established in Hamburg in the year 1272; Regensburg, 1306; Zürich, 1314; Basel, 1356; Avignon, 1347; Vienna, 1384. The ordinance of St. Louis, 1254, and the laws of Naples of the eleventh and twelfth centuries reflect the severity of early Teutonic legislation. These laws were, however, merely the outcome of the religious zeal of the rulers; they did not represent the public sentiment of the time. They do not appear ever to have been systematically enforced.

Mediæval regulation is best understood by reference to the ends it was designed to meet. Preservation of the existing order of things was regarded as of cardinal importance. The integrity of the family was looked upon as vital; accordingly, the severest penalties were inflicted upon unchaste wives and daughters of burghers. It was believed that if provision were made for the satisfaction of the vicious impulses of the floating population, the family would be secured from invasion. Therefore the brothel was not only tolerated; it was considered a necessary and a useful adjunct to city life. This will account for the fact that the house of ill fame was often built

at public expense and managed on public account, and for the voting of funds for securing from abroad inmates for the public house. It also explains the condition sometimes imposed upon the citizen who leased such an establishment, that he should provide a sufficient number of suitable inmates.

It was also essential that public women should form a class absolutely distinct. They were normally secured from foreign countries, or, at any rate, from beyond the city's domain. They remained aliens; and if any woman from within the ranks of decent society fell from virtue, she became an alien in status and was for ever debarred from returning to her kin. They were required to live in a special quarter and wear a distinguishing mark upon their clothing, usually a yellow or red ribbon upon the sleeve, so that no mistake might be made as to their character.

There was no trace of the modern feeling that vice should be quite hidden from respectability, ignored by decent society. The prostitute played no mean rôle in the social life of the Middle Ages. As such, she took part in public processions, and even in sacred festivals. The brothel was bound to entertain notables who visited the city. In

\* The student of the origin of social customs will at once suspect a relation between the functions of public women at festivals and the orgies in celebration of certain pagan deities. As a fact, the connection would not be difficult to trace.

short, the Middle Ages believed vice to be nothing evil, so long as it showed its true colours.

The second aim of the mediæval legislator was to prevent the brothel from becoming a centre of disorder. At all times the prostitute and the outlaw have been natural allies. Wherever houses of ill fame were grouped in special quarters, thieves and cutthroats congregated, menacing the persons and property of the citizens.<sup>1</sup>

It was the mediæval policy to fix responsibility upon groups, rather than upon individuals. This idea appears in the regulation of prostitution. Sometimes the public women were organised in guilds, which chose a head who was responsible for everything that might occur in the brothel. This was the case in Nuremberg; and, after the fashion of other guilds, the licensed prostitutes took it upon themselves to prosecute persons who infringed upon their monopoly. Sometimes they were placed under the charge of a special official who decided all cases of injury committed by them or against them; in still other places a special court was created for their control. Where a brothel was let to a responsible citizen, he was

<sup>1</sup> In 1367 two quarters were set apart by the Parisian authorities for prostitution, the *Glatigny* and the *Hueleu*. Great numbers of thieves, robbers, and vagabonds flocked together in these quarters, making of them veritable strongholds, whence vice and crime could raid the city with impunity. The police were defied and even royal edicts for demolishing the places were for decades set at nought.—Carlier, *Les Deux Prostitutions*, 11-13.

compelled to undertake all responsibility for the conduct of its inmates.

One further object held in view by the mediæval legislator was the organisation of prostitution for fiscal purposes. As possessors of a lucrative occupation, they were compelled to contribute to the public treasury. There seems to have been no hesitancy about accepting for public purposes a part of the earnings of shame. Even the Church did not stick at such revenues.<sup>1</sup>

Mediæval regulations, then, possessed generally these three aims: prevention of vicious conduct on the part of citizen women, collection of revenues from prostitution, and preservation of public order.

As in the case of classical regulation, aims that were possible of realisation while the cities were of moderate size and while social relations were fixed, were not capable of realisation when the old order broke up under the social and economic changes at the end of the Middle Ages. Society as a whole became corrupt; the alien character of prostitution disappeared. Sumptuary laws were enacted, because it was thought that it was the jewelry and fine clothing of the prostitute that attracted decent girls and women into the life of shame. At about the same time an epidemic of syphilis spread over Europe, assuming, as a result

<sup>1</sup> Clement VIII. compelled public women to give a part of their earnings to the Convent of St. Mary of Penitence.—Tammaeo, *La Prostituzione*, 30.

of the general immorality, the proportions of a world plague. Under the influence of this evil the licensed houses of prostitution were pretty generally closed during a considerable part of the fifteenth and sixteenth centuries. Re-opened again, they lived by the strength of traditional usage until replaced by modern regulation of prostitution, or, as it is generally known, regulation.

*Modern Regulation.*—Modern regulation is almost wholly distinct from that of mediæval and classical times, both in its ends and in the means it employs to secure them. The mediæval city strove to insure the welfare of its own citizens; it cared nothing for the moral welfare of the aliens who were the victims of its policy. The extension of the unit of society from the single city to the nation, from the nation to the civilised world, has awakened the public conscience to the fact that even the prostitute is a member of society. Under modern conditions, it is inconceivable that a political body should aid in the securing of victims for vice, even if it were still believed that the existence of a vicious class is a safeguard for the virtuous; for the victims must necessarily be recruited from orderly society,—in the last instance, from the ranks of the virtuous.<sup>1</sup>

<sup>1</sup> Certain authors have caught at the idea of a supposed natural class of degenerate women, reverions to a non-moral type, as fitting victims for social vice. It is no hardship, they claim, that such creatures should be permitted to follow their own natures. This is evidently an attempt to restore the alien status of the prostitute. It is not worth while to point out the weakness of the position.—See Ströhmburg, *op. cit., passim.*

Accordingly, the moral point of view has changed completely. Every modern system of regulation avows the purpose of preventing, as far as possible, the degradation of those who are not yet depraved, and the rescue and restoration to honourable life of fallen women who are still susceptible to moral influences.

But the chief distinguishing feature of modern regulation is its endeavour to stamp out the diseases that everywhere attend vice. Nothing analogous to this aim is to be found in ancient and mediæval regulation.<sup>1</sup>

So prominent has the sanitary aspect of the problem of vice become that the term "regulation" is used generally to denote sanitary regulation alone.

One end that modern regulation has in common with mediæval regulation is the dissociation of vice from crime. In the Middle Ages, this end was partially attained by fixing responsibility not upon the individual prostitute, but upon individuals or groups of individuals who could not so easily evade the law. A study of modern regulations will reveal the fact that not dissimilar means are employed for the same end.

<sup>1</sup> Parent-Duchâtel cites regulations of Avignon of the 14th century, which required that public women should be visited weekly by a "barber." The regulations in question are, however, undoubtedly spurious.

## CHAPTER III

### REGULATION OF PROSTITUTION IN PARIS

DURING the Middle Ages, prostitution was tolerated in Paris as in all other important cities of Central Europe. But with the appearance of the epidemic of syphilis toleration ceased. The victim of that frightful malady fell heir to all the cruel maltreatment that had been the especial heritage of the leper. The prostitute, as the natural medium of the disease, came to be regarded with horror and hatred such as her mere moral delinquencies have hardly ever inspired. The ancient laws making prostitution a crime were restored, and not until the end of the eighteenth century did they cease to be enforced.

For a long time after the policy of expelling the male syphilitic from society had given way to the more rational policy of treating him, no provision was made for the relief of unfortunate prostitutes who were suffering from disease. It was only accidentally that certain features were inserted in repressive laws which pointed toward a system of sanitary control. As late as 1657

it was the practice to exclude infected prostitutes from the Salpêtrière, where the women charged with prostitution were confined. As the system of inspection was imperfect, many who were diseased were found among the prisoners. These were treated by order of the authorities of the prison, although this was strictly contrary to law. An edict of 1684 recognised the necessity of treating the diseased. This provision is regarded as the germ of the French sanitary control.<sup>1</sup>

By the same law, the lieutenant of police was given practically unlimited control over prostitutes. He passed sentence, nor was there any appeal from his decision. The length of time during which the prostitutes were imprisoned lay in his sole discretion. The determination of the criteria whereby a woman was judged guilty of debauch lay also in his province, as appears from the preamble of the law of July 26, 1713. It is easy to see in this the germ of the discretionary power that the police assume in dealing with prostitutes.<sup>2</sup>

For the rest, an effort was to be made to reform these women. They were to attend mass and hear prayers read, etc. They were treated, of course, as ordinary criminals: they were dressed in prison uniform and fed on prison fare and were

<sup>1</sup> Parent-Duchâtele, *op. cit.*, ii., 5 *et seq.*

<sup>2</sup> Lecour, *La Prostitution à Paris et à Londres*, 407.

compelled to perform the hardest work of which they were capable.

By the law of 1713, above mentioned, the determination of the facts of prostitution was left to the royal commissaries or judges in the several quarters of the city. These were to receive as proof the declarations of the neighbours. The pronouncing of sentence and the discretionary power as to its severity still remained with the lieutenant of police.<sup>1</sup>

Such were the general regulations on the subject of prostitution down to 1768. In that year a royal ordinance decreed that prostitutes found with the army should be arrested and imprisoned by the military authorities unless they were domiciled in the vicinity. In that case they should be turned over to the civil authorities for imprisonment. Before being imprisoned, however, they were to be treated for disease if found ill.<sup>2</sup>

It is easy to see how the regulations of 1684, supplemented by the ordinance of 1768, should become in effect a system of sanitary control. The treatment previous to imprisonment was compulsory; the punishment lay in the discretion of the lieutenant of police. All that was necessary was to make periodical arrests with compulsory treatment and to discharge those who were cured without imprisonment. It appears

<sup>1</sup> Lecour, *op. cit.*, 409, 410.

<sup>2</sup> *Ib.*, 411.

that a system something like this developed toward the end of the *ancien régime*.<sup>1</sup>

It was natural that the need for a system of permanent registration should arise. The first appearance of the idea of registration was in 1765. A police officer suggested in a report to the lieutenant of police that the existing disorder would be greatly diminished if all public women were registered by the police. It was rather with the hope of securing better order than with a view to sanitary control that the idea was then put forward. Some years later another memoir emphasised the sanitary bearing of registration. A commission was appointed to examine into the matter, but it pronounced the scheme impracticable.<sup>2</sup>

At the close of the reign of Louis XVI. the plan was again taken up, and two agents were ordered to proceed with the registration of prostitutes. The Revolution, however, prevented the order from being carried into effect. The principles of the Revolution were too uncompromising to permit of a policy so likely to infringe upon individual liberty.

Not until 1798 were any preventive sanitary measures taken. In that year a private physician undertook, under administrative patronage, the work of examining the prostitutes actively

<sup>1</sup> Carlier, *Les Deux Prostitutions*, 17.

<sup>2</sup> Reuss, *La Prostitution*, 231 et seq.

engaged in their occupation. Apparently, it was the understanding that he should communicate to the police the state of health of those whom he examined.<sup>1</sup>

In 1802 the prefecture of police proceeded to register public prostitutes and to impose upon them the obligation of submitting to fortnightly examination. Hitherto the courts had decided whether or not a woman was guilty of professional debauch; now the police proceeded to establish the facts in a purely administrative way. The ardour for personal liberty had cooled by this time so that no difficulties were thrown in the way of the carrying out of the plan of regulation. In 1805 a dispensary was established for the treatment of the diseased prostitutes. All expenses were to be met by fees collected by the physicians themselves. This system, it can easily be understood, led to great abuses. The examining physicians took care to make their fees as large as possible. Accordingly, in 1810, it was found necessary to make a change in this respect. The physicians were to report to the cashier of the administration the names, addresses, and the state of health of the women examined. That official paid the physicians and became responsible for the recovery of the sums from the prostitutes.<sup>2</sup>

By the second decade of the century the Parisian

<sup>1</sup> Lecour, *op. cit.*, 69.

<sup>2</sup> *Ibid.*, 73.

police had developed a plan which they have cherished ever since—that of confining prostitution to houses specially licensed for that purpose. The difficulties that lay in the way of controlling the conduct of the prostitute by dealing with her directly were found to be almost insuperable. The keeper of a brothel or a house of accommodation, however low he may be morally, has nevertheless a property stake that will keep him within the bounds of the law. Prostitutes who were living in isolated quarters were ordered to betake themselves directly to the houses of accommodation. Soliciting upon the streets was forbidden again and again, but the prohibition was not capable of enforcement.

In 1828 the tax levied upon prostitutes for meeting the expenses of sanitary control was abolished. It had proven burdensome and injurious. Half the time of the special agents of the Morals Bureau was spent in hunting up prostitutes who were delinquent in their payments. Moreover, it acted as a deterrent to voluntary registration.<sup>1</sup>

Up to 1828 the police registered as a licensed prostitute any woman who desired it. No inquiries were made as to age, civil state, or antecedents. Young girls arrested for debauch were registered forthwith. According to Parent-Duchâtelet, the register of public women contained the names of

<sup>1</sup> Parent-Duchâtelet, *op. cit.*, ii., 224.

girls of ten, who had, of course, never been engaged in vice. In 1828 this outrageous policy ceased.<sup>1</sup>

In 1843 the service of morals was reorganised. The system then established is practically the one now in force. It has also served as a model for most of the systems of Europe. Prostitution is tolerated either in licensed brothels or in houses of accommodation where prostitutes at large are compelled to resort. Weekly examinations are imposed upon the inmates of brothels; these take place in the licensed houses. The prostitutes at large are obliged to appear once in two weeks at the office provided by the police for that purpose. Those found to be diseased are sent to the hospital of the prison of St. Lazare, and are not liberated until cured.

To insure a certain control over the conduct of these women, the keeper of a licensed house (always a woman) is responsible for good order in her establishment. A prostitute who lives alone in a rented apartment must own the furniture of the apartment, so that it will not be easy for her to disappear in case she has violated any of the regulations.

Women may be registered as prostitutes either by order of the chief of the Morals Bureau or at their own request. As a rule, inscription is voluntary. Clandestine prostitution is punished severely enough to make it worth while for the

<sup>1</sup> Carlier, *op. cit.*, 41.

notoriously debauched to avail themselves of the toleration offered by the police.

Originally, little attention seems to have been paid to the checking of the growth of vice. But there has been an increasing tendency to refuse the registration of minors. While this cannot be done in every case, minors are registered much less frequently now than formerly. The tenants of licensed houses are forbidden to admit boys under eighteen, or students of the various higher schools. Great care is also exercised in making it easy for a woman who desires to reform to do so.

The control of prostitution is given over almost entirely to a body of special agents who form a part of the general secret service. The ordinary police have nothing to do with prostitution, except in case of gross violation of public decency or public order. Between forty and fifty agents are required for this service. They must, of course, be men of great tact, they must be men upon whom reliance may be placed, since any mistake they may make entails the most serious consequences.

The medical service consisted in 1890 of a chief and assistant-chief surgeon, fourteen surgeons in ordinary, and ten adjunct surgeons. They are assigned to various quarters of the city, changing at intervals by regular rotation.

The first thing that strikes the student of the Parisian system is the weakness of its legal basis. Since the Revolution, no general laws on the sub-

ject of prostitution have been made. The Penal Code does not touch upon it. The police are therefore compelled to go back to the ordinances of 1684, 1713, 1768, and 1778 for their authority to regulate vice. According to these ordinances, prostitution was a crime, which the lieutenant of police could punish at his discretion. Clandestine prostitution is still punished according to those ordinances.<sup>1</sup>

The modern police are not, however, the successors to the powers of the lieutenant of police under the *ancien régime*. The lieutenant of police could pass sentence if his royal master authorised him to do so. The modern police commissary has no power to sentence a criminal; yet he appears to assume such an authority with regard to the so-called crime of debauch.

Another legal prop for the service of morals is the law of 1789 constituting the municipalities. By this law, the municipalities are assured the advantages of a good police system. The exact powers of the police are not enumerated, but by a law of 1790 it is specified that the police are to maintain public order and decency and to protect public health. It is assumed that this implies a system of police regulation of prostitution.<sup>2</sup>

There have been numerous attempts to pass general laws with regard to prostitution. In

<sup>1</sup> Cf. *Réglement du 13 Novembre, 1843*, Sec. 7.

<sup>2</sup> Lecour, *op. cit.*, 29.

1811 and in 1816, in 1819 and in 1823, eminent administrators, lawyers, and statesmen attempted to formulate special laws that would be appropriate to so delicate a subject. The task had to be abandoned, however. It was impossible to devise a law at once efficient and just. And so the police have continued to take matters into their own hands, changing their regulations from time to time to suit the exigencies of the occasion.

Doubtless the service of morals has gained rather than lost by the flexibility thus attained. But the lack of any other than a fictitious legal basis has always been a point of attack for the opponents of the system. While some of the supporters of the system of regulation acquiesce in the absence of general laws, believing it beneath the dignity of the State to notice a subject which is the cause of so many cares for the police, the majority would look with favour upon any measure which would free the police from the serious charge of illegal usurpation of powers.

## CHAPTER IV

### REGULATION IN BERLIN AND IN OTHER CITIES OF EUROPE

*Berlin.*—The Reformation and the great social and economic movements that were connected with it wrought a complete change in the character of the city of Berlin. From a conservative mediæval town, in which every person had his fixed place, it had become a large and wealthy city. The old regulations concerning vice had been quite outgrown. Although the old regulations, abolished at the time of the Reformation, were restored when the religious ardour had cooled, prostitution was no longer easily controlled by them. It had increased greatly in volume and in complexity. The inference of contemporaries was that the Reformation had thoroughly ruined the morals of society—an inference accepted by not a few modern writers.

In 1700 a system of regulation was adopted which contained the essential features of modern regulation. As one would expect, much was borrowed from the Middle Ages. The principle

of dealing with groups of individuals under a responsible head appears in the provision which makes the keeper of the brothel responsible for the conduct of the inmates of his house. If any outrage were perpetrated, such as assault or robbery, the keeper had to make good the damage done. If a woman, known to be diseased, transmitted the malady, the keeper had to stand the costs of treatment. In this way it was thought possible to restrain effectively all tendency toward disorder.

For the sake of preserving the health not only of the prostitutes, but also of their visitors, an official surgeon was to examine them fortnightly. Those who were found to be diseased were to be confined to their rooms, if the malady were slight; if it were grave, they were to be sent to the Charity Hospital. This feature of the regulation is of course distinctly a modern innovation.

Another thing that strikes one as distinctly modern is the declaration that prostitution is not permitted, but tolerated—a bit of sophistry which marks a distinct advance over the naïve view of the Middle Ages. Instead of the mediæval tax upon prostitutes as the possessors of a lucrative trade, we find a fee of two groschen for medical examination. This, too, is modern. It shows that even then there was a feeling that it was dishonourable for the State to accept the earnings of so foul a trade, excepting for the expenditure of

regulating the trade. One thing more that marks the regulation as modern is the provision that, if a prostitute wished to reform, the keeper of a brothel could not detain her, even though she owed him a debt.<sup>1</sup>

This regulation remained in force until 1792. With the growth of wealth and population, vice had increased enormously. In 1780 there were a hundred houses of ill fame, with seven to nine inmates in each.<sup>2</sup> There was, besides, a class of prostitutes who lived in rented lodgings and carried on their profession on their own account. These also were tolerated by the police, although the regulation of 1700 had made no provision for them. Moreover, clandestine prostitution thrrove, although the police dealt with unlicensed prostitutes in summary fashion, arresting them and registering them without formalities, and compelling them, under severe penalties, to appear for sanitary examinations. No special regard was had for the age or condition of those thus inscribed upon the register of infamy. Many of them were mere children.

In 1792 a new regulation was made. This was in many respects a mere amplification of the regulation of 1700. Licensed houses of prostitution were tolerated, as were also prostitutes at large. This was strictly contrary to the General

<sup>1</sup> Behrend, *Die Prostitution in Berlin*, 20.

<sup>2</sup> *Ibid.*, 26.

Code (*Allgemeines Landrecht*), which prohibited prostitution excepting in licensed houses. No attention was paid to this fact at the time.

The principle of placing the prostitutes under the control of persons who could be responsible for their conduct was still further developed. No one could open a brothel without first receiving permission from the police; no one could rent a room to a prostitute without permission. As in the older regulations, the tenant of the licensed house was responsible for any outrage or robbery committed upon his premises. Moreover, he was held to be an accomplice until he proved his innocence. Even if it could be proven that he was no partner to the outrage, he was subject to fine and imprisonment if he had not done everything in his power to prevent it. Prostitutes at large were compelled to live in certain streets. The person who let lodgings to them (always an elderly woman, single, widowed, or divorced) had to undertake responsibilities similar to those of the tenant of a licensed house.

Much greater emphasis was laid upon the sanitary feature of regulation. Any person who should transmit a venereal disease was to stand the cost of treatment and was subject to imprisonment for three months. While this provision applied to men as well as to women, it is easy to see that in practice it would hardly reach any one except the prostitute. The mistress of a brothel was held

jointly responsible with the inmate for any disease transmitted, whether she knew that the disease existed or not. She was also under obligation to report at once any case of disease in her house. If she failed to do so, she was subject to fine and imprisonment.

The main sanitary measure was, however, the periodic examinations by the official surgeons. These took place weekly, at the domicile of the prostitute. Those who were diseased were disposed of as in the older regulation. To meet the expenses of treatment, a contribution was laid upon all prostitutes. As this proved insufficient, a tax was imposed three years later upon the tenants of licensed houses.

Much more attention than formerly was paid to the moral welfare of the fallen woman. If she wished to reform, she could not be detained for any reason. Minors could be registered only in case they were already utterly depraved.<sup>1</sup> Of this the police were the judges, since no girl could be admitted to a brothel without permission. Severe penalties were enacted against enticing young women into brothels.

For the preservation of public decency, soliciting in public places was prohibited, as well as indecent proposals from windows or doors of brothels. The brothel tenant or the woman who had let a room to a prostitute was responsible for

<sup>1</sup> The age of majority was twenty-four.

the enforcement of this regulation. Moreover, the sale of intoxicating liquors in brothels was prohibited, and, later, dancing and games, in order to prevent vicious resorts from becoming places of entertainment.\*

No provision was made for compulsory registration. But the clandestine prostitute was punished by three months' imprisonment, followed by confinement in the workhouse until she should manifest a desire to enter some honourable employment, and should find an opportunity to do so.

This regulation remained practically unchanged until 1828. It was not, however, enforced with uniformity from year to year. The ideas of the French Revolution permeated German society to a certain extent, creating a feeling that it was an outrage upon justice to place a special class of human beings under the arbitrary control of the police. Moreover, it was felt that the intimate relations of the State with vice, which a system of regulation naturally creates, were degrading. Not only did this feeling exist in the general community, but it influenced not a little the ministry of the realm. Accordingly, the police of Berlin were subjected to hostility from above and below. In 1810 the ministry absolutely prohibited the registration of minors, a practice in which the police had hitherto persisted. The police were forbidden to grant permits for new brothels. They were to

\* Behrend, *op. cit.*, 29 *et seq.*

examine closely into the antecedents of a woman who proposed to enter a house of ill fame, and to deter her from her purpose, if possible. Against this tendency was the sentiment of the army, which has generally been decidedly in favour of a system of tolerated vice. The military authorities at Berlin pleaded for the removal of the age limitation imposed upon those who wished to enter the ranks of registered prostitutes.<sup>1</sup>

After the "glorious victory" the sentiment against regulation diminished. In 1814 permission was granted to register minors, although an attempt was first to be made to induce them to reform, and the consent of their parents was to be secured. Permission was also given to erect a new brothel in place of one that had failed, and to transfer the ownership of brothels. The consent of the police was of course to be secured.

In 1829 a new regulation was made, with the approval of the ministry. The only important change was the increased frequency of sanitary inspections. According to the new regulation, they were to be made twice a week instead of once.

At this time there were thirty-three licensed houses in Berlin. These were pretty well scattered throughout the city. There was no formal restriction as to their location, excepting that they were not permitted in the vicinity of churches and schools, or on crowded thoroughfares. A con-

<sup>1</sup> Behrend, *op. cit.*, 90.

siderable number of them, however, were grouped together in a small street, *an der Königsmauer*. This street had from a very early date been noted as a haunt of vice.

During the thirties, citizens who possessed property in the vicinity of brothels began to complain to the police and the ministry of the losses they suffered in consequence of the presence of vice, and to petition for the removal of the licensed houses. The police authorities paid no attention to the petitions, but in 1839 the ministry, again hostile to police regulation, ordered the removal of all such houses to the street *an der Königsmauer*. Accordingly, all were removed thither except two. Five failed, leaving twenty-six licensed houses in a street containing only fifty-two small houses. The street may fairly be said to have been abandoned utterly to vice, since its remaining inhabitants were largely panders and procurers, together with the workers and small traders who depended for support upon the custom of the brothels.

This measure was, however, very far from being satisfactory. It is a question whether the existence of isolated brothels in various parts of the city was as demoralising as the existence of a limited quarter in which vice ran riot. Whatever may be said of the demoralising effect upon respectable society of a number of prostitutes mingling with it, there can be no doubt that

respectable surroundings have far more power than police regulations to keep the wanton woman from displaying the actual degradation of her character. In a limited community consisting wholly of immoral characters, in which respectable persons normally appear only in moments of immorality, this restraining influence is absent. An *esprit de corps* is created which is highly injurious to public morals and public order.<sup>1</sup> Furthermore, the existence of licensed houses side by side almost inevitably leads to an odious competition in indecency for the sake of attracting customers.

From the point of view of sanitary regulation, the plan was not successful. While the notoriety of the quarter naturally attracted the youthful and the reckless, the bands of students and apprentices, the strangers bent upon novelty, the publicity of it deterred those who had acquired caution without acquiring continence,—the greatest resource of prostitution. Hence clandestine prostitution increased throughout the city.<sup>2</sup>

A further result of the grouping of licensed houses was increased opposition toward any system of regulation whatever. The agglomeration upon one spot of so much vice opened the eyes

<sup>1</sup> Behrend, *op. cit.*, 114 *et seq.*

<sup>2</sup> This does not mean that prostitution in general increased. It merely means that the relative proportion of those who would submit to regulation declined.

of the better classes to the extent of the evil. Accounts, exaggerated beyond all semblance of truth, recalled the orgies of declining Rome. The abolition sentiment again gained credit with the higher authorities, and in 1843 the ministry issued an order that one half of the brothels *an der Königsmauer* should be removed beyond the *Stadtmauer*. All were to be subjected to close surveillance, and for three violations of the regulations, whether great or small, they were to be closed, nor were others to be opened in their place. The first part of the order was not carried out, as the police declared that it was impossible to find a locality which would receive the removed houses. Opportunity was not given for carrying the second part of the order into effect, as an order of the Minister of the Interior, issued in 1844, fixed January 1, 1846, as the date for the closing of all the brothels in Berlin. This order was duly executed.

It is not to be supposed that a let-alone policy was adopted. The police were ordered to take all needful measures for public safety and public health. Prostitutes were still compelled to submit to weekly medical inspections. A register was kept showing the state of health of the women, but no control-book was given them, and it was to be impressed upon them that they were not licensed, but merely tolerated. Clandestine prostitution was still subject to severe punishment.

Doubtless the police enforced the changed regulations with no very great enthusiasm; but, so far as the formal regulations were concerned, the only change was the abolition of the brothel and its replacement by tolerated prostitution at large. There is no ground whatever for the notion that all sanitary control was abandoned in 1846.

At the instigation of the military authorities, the licensed houses were opened again in 1851. The Penal Code of 1850 imposed the penalty fixed for procuring upon any one who should act as a mediator for professional vice or lend his aid to vicious practices.<sup>1</sup>

Another section, however, implied the right on the part of the police to make needful regulations for the preservation of public health and public order.<sup>2</sup>

It was upon the latter section that the police based the right of reopening the brothels. In 1856, however, a decision of the *Obertribunal* of Prussia pronounced the brothel an illegal institution, whereupon the licensed houses of Berlin were definitely closed.<sup>3</sup>

The "service of morals" as reorganised in 1850 and again in 1876 did not differ essentially from the system now in force. We may accordingly pass at once to the existing regulations. The

<sup>1</sup> Sec. 146.

<sup>2</sup> Sec. 147.

<sup>3</sup> Blaschko, *Conférence internationale, Brussels, 1899; Enquêtes*, i., 662.

sanitary feature is paramount. The registration of prostitutes is merely auxiliary to sanitary control, since it is absolutely necessary to register the women of loose life if they are to be subjected to periodical examination. A woman may be registered either at her own request or by the order of the chief of the police bureau. The police arrest any woman whom they have reason to suspect of clandestine prostitution. The grounds of such arrest may be direct observation by the special police agents of the service of morals, the denunciation of private persons, of registered prostitutes, or of men who believe themselves to be contaminated by the woman in question. When arrested, she is subjected to a physical examination, and if found to be diseased the police assume the power to place her upon the register. If she is not diseased, she receives a "kindly warning." In the warning-formula, especial emphasis is laid upon the fact that a second arrest would mean compulsory registration. It is assumed that if a mistake has been made in the first arrest, the woman arrested will take such pains to avoid further suspicion that a second mistake would be practically impossible.

Once registered, prostitutes are required to report every week at the public dispensary for sanitary examination. Failure to do so is punishable by imprisonment, the maximum sentence

being six weeks. Examinations and treatment are gratuitous.

Every registered prostitute must give satisfactory information as to age and antecedents. Minors are not, as a rule, permitted to register.

There are, of course, numerous detailed regulations with regard to the localities where prostitutes may not appear, and with regard to the manner in which they must deport themselves. These it is unnecessary to discuss here.

*Comparison of Reglementation Systems of Paris and Berlin.*—If we compare the systems of Paris and of Berlin, we find that they do not differ greatly in essence. In both of them prostitutes are treated as a special class, bearing a relation to the common law essentially different from that of other members of society. A renowned French lawyer has clearly defined this point of view by declaring that prostitution is a status in the same sense that the army is a status, and, just as is the case with the army, prostitutes may be subjected to regulations that would be tyrannical if applied to the ordinary citizen.<sup>1</sup>

In Berlin this manner of regarding prostitution has been handed down from the Middle Ages, and may be considered a survival of a social system in which any body of individuals could be treated as a special status. In Paris it has

<sup>1</sup> M. Dupin, cited by Lecour, *op. cit.*, 41.

rather grown up as a result of the exigencies of police administration.

In both cities the need is recognised of a special body of police, acting with large discretionary powers. In both cities the sanitary features of control are paramount; nevertheless, public order, decency, and morals receive a certain attention. The Berlin authorities act, perhaps, with greater freedom in imposing registration upon prostitutes who will not submit to it voluntarily. This is probably owing to the greater legal authority which the Berlin police possess.

Much regard has usually been paid to the fact that in Paris it is the policy of the police to confine prostitution to licensed houses, while in Berlin the brothel is absolutely prohibited. How unimportant this feature is may be understood from the fact that not one tenth of the registered prostitutes of Paris live in licensed houses.<sup>1</sup> In practice, the administrations of the two cities have exactly the same problem to deal with.

There are, of course, innumerable minor regulations that show certain differences in policy. These, however, are of small interest to any one except the officials who have to administer the systems.

Finally, the sanitary service does not differ

<sup>1</sup> In 1897, out of about 6000 registered prostitutes only 490 lived in licensed houses.—Dr. Ozenne, *Conférence internationale, Brussels, 1899; Enquêtes, i., 146.*

in essence. It is true that all examinations in Berlin are held in public offices designed for that purpose, while in Paris those who live in licensed houses are examined at their domicile. This difference is of small significance, since the proportion of brothel inmates is so insignificant. In Berlin examinations are weekly, in Paris fortnightly. Examination and treatment are gratuitous in both cities.

*Regulation in Other European Cities.*—A study of the evolution of regulation in other European cities would reveal but few new features. Regulation has in general grown out of repressive legislation. Inability to enforce stringent measures against vice has generally given the policy of the police an arbitrary character that was easily changed into discretionary power. Sanitary features have been grafted upon systems of tacit toleration. As a rule, Paris and Berlin have served as models in this respect. Later systems, as the regulations of Italy, were modelled after that of Brussels, which in turn is in essence a copy of the Parisian system.

It may, perhaps, be worth while to touch upon a few of the peculiar features to be found in some of the other cities of Europe. Thus we find in Bremen the plan of confining prostitution to a single small street, which is so situated as to be easily controlled by the police. Prostitutes found elsewhere are arrested and punished by imprison-

ment. This plan has been partially adopted by several other of the smaller German cities. A similar policy is pursued in some of the smaller French cities.

No very large city has adopted such a policy. It seems probable that the enormous proportions such a quarter would assume in a city like Paris or Berlin would be a menace to good order and a centre of demoralisation. Where special quarters exist, it would seem that the interest of property owners in the vicinity of licensed houses, rather than a consideration of the moral interests of the community as a whole, was responsible for their creation.

In a large number of the cities of France, the police persist in attempting to confine prostitution to licensed houses. In some cities their efforts are not wholly unsuccessful. Thus in Marseilles the licensed houses hold their own. In other cities these houses are constantly declining. These differences are to be explained by the character of the clientage of prostitution. Where strangers are numerous, where sailors are accustomed to land, the licensed house thrives. It is the "law of supply and demand" that decides whether the efforts of the police can be fruitful or not.

Vienna presents several peculiarities in the system of regulation of vice. The Morals police and the Sanitary police are under different au-

thorities. The supervision of public morals falls in the province of the Imperial police, while for the sanitary control the municipal authorities are responsible. As a consequence, there is a lack of harmony, the Sanitary police attempting to increase as far as possible the number of public prostitutes, the Morals police attempting to limit it. Examinations of licensed women are made by ordinary physicians, designated by the police. They are made either at the domicile of the physician or at that of the woman. They are thus designed to give as little publicity to the activities of police control as circumstances allow.

*Extent of Regulation.*—Regulation of vice is still properly in the experimental stage. Many believe, it is true, that its salutary effects are not to be challenged; others affirm that no such effects are to be found. It is accordingly necessary, as preliminary to examining the evidence as to the efficacy of regulation, to consider the extent of existing regulations.

In the first place, practically all the cities and large towns of France have systems of regulation much like that of Paris. So also have the cities of Belgium. German cities, as a rule, regulate vice. Hungary has what is considered an efficient system; Austrian cities regulate vice, but in no very efficient way. For the last half-century, Russian cities have persistently striven to keep prostitution under sanitary control. From the

time of the union of Italy down to 1888, the larger Italian cities had a system of regulation modelled after that of Brussels. The Scandinavian states, with the exception of Norway, regulate vice in their largest cities; so also do Spain and Portugal. From 1866 until 1883, England tried the experiment of regulation in twelve districts in England and two in Ireland. In these stations prostitutes were registered and subjected to periodic sanitary inspection, and if diseased were detained in lock-hospitals until cured.

Outside of Europe similar regulations have been put in force. The most notorious were the regulations in India during the time of the Contagious Diseases Acts. Hong Kong also presented a system of regulation. In Japan prostitutes are confined to special quarters and are subjected to periodic examinations. Finally, mention may be made of the one experiment in our own country, in St. Louis, 1870-1873.

## CHAPTER V

### THE SANITARY ASPECT OF MODERN REGULATION

THE effect of vice upon the physical health of the community is receiving at present more attention than any other feature of the problem. Reglementists and abolitionists alike test their systems by the effect upon venereal disease. Nothing could be more natural, since it has at last become clear to almost every one that venereal diseases are frightfully common in every civilised country. Moreover, recent progress in medical science has demonstrated the fact that the diseases that have long been known to be the immediate effects of vice by no means make up the sum of the cost in health that results from it. Many constitutional maladies that were formerly ascribed to entirely different causes have recently been shown to be of venereal origin.

Unfortunately, it is impossible to form even an approximately correct idea of the actual extent of the ravages of venereal disease. One medical congress after another has urged the necessity of adequate statistics of venereal disease; but

up to the present very little has been accomplished in this direction. In Norway alone are private physicians required by law to furnish reports of the cases treated by them. Everywhere else it is necessary to deduce the facts in question from the statistics of limited classes, such as the army and the navy, to piece together hospital records, or to depend upon the estimates of individual physicians.<sup>1</sup>

We may take as a starting-point the Norwegian statistics, since, with all their imperfections, they are the most complete in existence.

In Christiania, a city of over two hundred thousand inhabitants, during the period from 1879 to 1898, the yearly number of cases of venereal diseases of all kinds reported have ranged generally between ten and fifteen per thousand of population. The minimum was 5.7 in 1888; the maximum was 20.7 in 1882. Of these, about two fifths are cases of gonorrhœa; rather more than three tenths are cases of syphilis.

For the whole of Norway during the same period, the number of cases of venereal disease has varied from 2.14 per thousand in 1889 to 3.55 in 1882.<sup>2</sup>

<sup>1</sup> The Medical Department of Prussia has within the last year undertaken to secure statistics of venereal disease in the State of Prussia. A circular was issued by the Minister, April 30, 1901, requesting all physicians to report all cases treated by them during the current year.—*Bulletin de la Société Internationale de Prophylaxie Sanitaire et Morale*, Tome i., No. 3.

<sup>2</sup> Holst, *Conférence Internationale, Brussels, 1899; Enquêtes*, i., 126.

These figures are unquestionably too low. Many cases of disease are naturally treated by quacks, or by the patients themselves according to recipes borrowed from comrades. Again, although there is a law compelling every physician to report all cases, it is impossible to enforce such a law. The only motive that would induce a physician to comply with the law is scientific interest.

While cases of hereditary syphilis are reported, it is obvious that many will escape through insufficient scientific knowledge on the part of practising physicians. Finally, there is no place for the legacy of criminality, idiocy, and other forms of degeneracy that venereal disease entails upon society.

On the other hand, many of the persons diseased may be treated for several maladies during the same year, or for different phases of the same disease. Especially would this be true of prostitutes, who are, of course, included in the population at large. This would tend to make the number of venereally diseased seem greater than it actually is. Sufferers from such diseases are very apt to change their physicians; and this also would tend to make the figures too large.

Accordingly, these statistics can be considered as an indication only of the actual extent of disease. Nevertheless, it seems true that by far the greater proportion of the ills resulting from vice are recognisable by competent physicians. Chris-

tania is a city in which, for half a century, much attention has been given to combating venereal disease. It may be assumed, then, that its physicians will generally have interest enough to report cases of disease according to law.

Where military service is compulsory, the state of health of the army will show something as to the extent of disease in population, since every able-bodied adult male must serve. The following table will show the extent of venereal diseases in various European armies<sup>1</sup>:

	German per 1000	French per 1000	Austrian per 1000	Italian per 1000
1881-86	35.1	58.2	73.6	102.9
1886-91	27.1	51.1	65.3	94.3
1891-96	29.1	56.7	61.0	84.9

As data for estimating the general prevalence of disease, these figures are, of course, to be used with a good deal of caution. The pay of the soldiers, the character of the discipline, the location of the barracks, and a number of other considerations must be allowed for before one can venture to affirm that venereal diseases are more common in Italy than in Germany. It is to be expected that disease will be much more frequent among soldiers than among citizens, owing to the fact that the soldiers are young and unmarried, free from arduous exertion, and exposed to the demoralising influences that always pervade military bodies.

<sup>1</sup> Blaschko, *Conférence Internationale, Brussels, 1899; Enquêtes, i., 681.*

When an army consists of volunteers, as the British army, statistics of venereal disease cease to have any value as an indication of the general state of health. It is not the typical British citizen who enlists in time of peace.

Where large standing armies do not exist, it is necessary to rely upon the records of hospitals and the estimates of physicians. The records of hospitals are worth little, as but a fraction of the diseased ever apply for admission. The estimates of physicians are of course mere guesses, most often evolved in the heat of argument, and hence worth practically nothing.

But however imperfect the data for estimating the true extent of the evil may be, they are sufficient to justify the opinion that venereal disease is one of the most serious that menace public health, and that no less energetic measures should be taken to stamp it out than are employed to check the ravages of other serious contagious diseases. Even if the shame and suffering which these maladies cause the individual are left out of account, there is no question that the burden which they impose upon society at large is a heavy one. Even if they do not utterly wreck the health of the individual, they impair his industrial efficiency and increase the chance of his becoming a burden upon society. In the long contest for survival among different nations, a high percentage of venereal diseases is a most serious handicap

for any country. It is the duty of a community to do everything in its power to disembarass itself of them.

But the question whether society owes it to the individual to protect him from venereal infection has long been a subject of bitter controversy. It is a common idea that, since such maladies are generally the result of immoral acts, the persons infected receive merely their due. They have knowingly exposed themselves to the danger; they have violated social laws in order to do so; let them take the consequences.

Another view, one which bears the stamp of modern evolutionary science, recognises the fact that there are individuals so constituted as to be unable to control their animal instincts. These are, as it were, fatally devoted to expose themselves to contagion. There can be no talk of free moral agency on the part of such persons; one cannot regard the misfortune that befalls them as a punishment for their acts. Such persons are, however, unfit members of civilised society, and venereal disease merely acts to free society from their presence.

The latter view is the more easily disposed of. It is not merely the incompetent, the degenerate, the brutal, that fall victims to the scourge of syphilis. The upper classes and the lower suffer alike. In Russian cities, it is said to be the very flower of the youth, the young men in the

universities, who are most frequently diseased. Similar observations have been made with regard to other European countries. Doubtless there is some exaggeration in such statements as these. But any practising physician will bear witness to the fact that among his patients the "unfit" form no inconsiderable fraction.

The other view deserves more extended consideration. It is an undeniable fact that, in the great majority of cases, venereal disease is contracted as the result of a voluntary act,—an act known by every one to be immoral. It is only natural to regard disease as a penalty for vicious conduct. In this respect there is certainly a valid distinction between venereal diseases on the one hand and all other contagious or infectious diseases on the other. An individual has a right to demand all possible protection from evils which he cannot avoid; his right to protection from dangers which he voluntarily encounters is not so clear.

Yet it is easy to carry the principle of personal responsibility for voluntary acts to an unwarranted extreme. The boy who yields to immoral impulses does not deserve the same penalty that falls upon the man of matured intelligence who lapses from virtue. The influence of the environment must be taken into account in judging the degree of personal responsibility. Now, it is well known that venereal disease is frequently

contracted at a very early age. A considerable portion of the syphilitics treated in hospitals are boys still in their teens. Probably a majority of all sufferers from syphilis are infected before the twenty-sixth year.<sup>1</sup>

The penalty of disease, then, falls most heavily upon those who are least responsible for their acts. Accordingly, it is easy to see why many thinkers who are not in the least inclined to condone immorality look upon sanitary control of vice as of paramount importance. So long as society permits men to grow up in an environment inimical to virtue, they argue, it is idle to hold them strictly accountable for their conduct, and inhuman to permit them to suffer from diseases which might be prevented by systematic sanitary regulation.

There is one further fact which would seem to condemn the public policy of ignoring venereal diseases. Great numbers of people suffer from them by no moral fault of their own. It is, perhaps, not as well known as it should be, that men frequently transmit to their wives diseases contracted in their youth and folly, of which they believed themselves to be quite cured. It requires much moral cold-bloodedness to take the stand

<sup>1</sup> Of 10,000 syphilitics who came under the observation of Professor Fournier, 817 had been infected before the twentieth year, and 5130 between twenty-one and twenty-six.—*Conférence Internationale, Brussells, 1899; Rapports Préliminaires*, 41.

that this is merely a matter between husband and wife, with which society has nothing to do.<sup>1</sup>

Account must also be taken of the children brought into the world with the curse of hideous disease upon them; of the nurse contaminated by the child she nurtures; of the child diseased through its nurse; and of the numbers of persons who are infected by accidental contact.<sup>2</sup>

<sup>1</sup> Professor Fournier found that of one hundred women infected with syphilis, twenty had been contaminated by their husbands.—*Conférence Internationale, Brussels, 1899; Rapports Préliminaires*, i., 13. See also Flesch, *Prostitution und Frauenkrankheiten*.

<sup>2</sup> In some places, syphilitic disease is regularly contracted in such ways. According to the data at hand, as much as 80 per cent. of the syphilis among the Russian rural population is contracted thus. Even in the city population, extra-genital infection is responsible for from 1.5 to 3 per cent. This does not include hereditary syphilis.—O. V. Petersen, *Conférence Internationale, Brussels, 1899; Enquêtes*, i., 264.

## CHAPTER VI

### THE MORAL ASPECT OF REGULATION

THE prominence given in recent discussion to the sanitary evils that result from unchecked and unregulated prostitution has obscured, to a certain extent, the fact that there are greater evils than physical disease connected with vice. One who subscribes to the dictum, "Disease is a great evil, but vice is a greater," is almost certain to be subjected to the scorn of many practical men. Yet, when the controversial spirit subsides, all rational men will admit the gravity of vice, quite apart from its hygienic consequences. The history of decadent Greece and Rome will show to what depths of imbecility and shame it may cause a nation to fall. There can be no greater mistake than to believe that the impulses that lead to vice are constant and invariable, capable of complete satiation. They grow with feeding; if they are wearied with one kind of satisfaction, they seek not rest, but variety. This fact, rather than any other, will account for the hideous forms of vice that disfigured ancient society. One does not

need a revealed religion or a subtle moral philosophy to teach him that unrestrained vice results in mental and moral disease and degeneracy far more hideous and far more dangerous to society than any form of physical disease.

Accordingly, if it is a dangerous policy for government to ignore the existence of venereal diseases and to neglect any possible means for preventing them, it is a still more dangerous policy to ignore vice and to permit it to grow unchecked. To limit the number of those who seek vicious pleasures, and to prevent the furnishing of such pleasures to those who are inclined to seek them, is one of the first duties of good government.

There is a widely-prevalent opinion that the moral task is too great for government to undertake, while sanitary improvements may be easily brought about; accordingly, it is expedient to limit governmental activity to the comparatively narrow field of sanitary regulation. Those who hold this view lose sight of the fact that humanity is not divided into two classes, the virtuous and the vicious, but that in it is represented every degree of virtue and vice, from the purest to the most utterly depraved. There will probably always be men who are swayed solely by animal passions, and it would be vain to hope to make them virtuous by legislative enactment. There will always be women who fall willing victims to

vice, whom no governmental vigilance could save. A great part of vice withdraws itself as completely from social control as do a man's secret thoughts. The fact remains that the greater part of humanity stands midway between the two extremes and may be improved or degraded in morals by circumstances which lie within the control of society.

Indeed, it is almost inexplicable that any one should doubt that a more rational system of education, better housing conditions, the suppression of flagrant incitement to vice, and the dissociating of vice from legitimate amusement would diminish the number of patrons of prostitution, and would limit the extent to which the remainder indulge in illicit pleasures. The improvement in morals could not, of course, be very pronounced in its effects. A large part of the gain could appear only in a succeeding generation. It would certainly be worth none the less for that. It may be remarked that there is hardly a reputable defender of sanitary regulation who does not at the same time advocate measures of moral reform. The influence of pernicious surroundings in promoting immorality is everywhere recognised. Some writers expect much good from measures that tend to promote morality among men, but believe that nothing can be done to diminish the number of women who lead immoral lives. This is the view of Tarnowsky. It rests upon the theory of the innate perversity of all

prostitutes, a theory which is not borne out by the facts. Without doubt, congenital perverts do exist among women. But there is no reason for believing that they form more than a negligible fraction of the entire number of prostitutes.

A very large number of prostitutes begin their career of shame when mere children. They may be the victims of procurers, or they may drift into vice without the deliberate incitement of any person who expects to profit from their shame. In any case, they can hardly be held responsible for their vicious conduct.

It is a disgrace to civilisation that panders are still permitted to betray neglected children and to take part of their earnings. In every large city those who have been attracted into prostitution before they were old enough to be responsible for their acts make up a very large proportion of the total number of vicious women.

It is undoubtedly true that a chronic state of poverty has a powerful influence in impelling women to accept a vicious life. Society has up to the present time proven unable to solve the problem of poverty; and until that problem is solved, there is little reason to believe that there will cease to be a class of women, not necessarily congenitally defective, who will choose a life of vice. But there are in every large city classes of working women whose normal income is sufficient to permit them to live honourable lives, but who are left at times

of temporary depression with no means of escaping from starvation except prostitution.<sup>1</sup>

It is easily conceivable that society could furnish temporary relief to such unfortunates and thus diminish, to an appreciable extent, the volume of feminine vice.

Again, there still remains a class of women who are abducted and forced into prostitution by physical violence. The fact that they sooner or later accept their fate is the only thing that can account for the indifference of society toward such a shameful condition. This is certainly a factor within the control of government.

The possibilities of moral regulation are by no means exhausted when society has done all in its power to prevent women from entering upon a life of shame. It is a long-explored fallacy that a woman who has once fallen must always remain in the lowest degradation of vice. Of the great numbers who have fallen through need or thoughtlessness, probably the majority are striving to rise out of the mire. It is a commonplace that modern prostitution, viewed as a whole, is a temporary, not a permanent state. After a few years of shame

<sup>1</sup> According to Blaschko, *Conférence Internationale, Brussels, 1899; Enquêtes*, i., 676, occasional prostitution far surpasses in extent professional prostitution in the great industrial centres of Germany. In such cities prostitution increases or diminishes inversely as employment in industry. In St. Petersburg it is common for domestics to practise prostitution when out of employment and to cease from it when work is offered.—Stürmer, *Die Prostitution in Russland*, 76.

the greater number of these women return to honourable employment, marry, or become kept mistresses,<sup>1</sup> a station degraded enough, to be sure, but infinitely less degraded than that of the public prostitute.

Even among the registered prostitutes of large European cities, there are many who are each year liberated from the control of the police, on the ground that they have ceased to prostitute themselves. Thus, in Copenhagen, from 1871 to 1896, twenty per cent. of the registered prostitutes were cancelled from the register because of marriage, thirteen per cent. returned to their relatives, and ten per cent. were taken in charge by private persons (institutions, etc.).<sup>2</sup> Of course, this would be much more frequently the case with occasional prostitutes, who have not formed the habits of a vicious life.

When the fact that prostitutes can and do reform is taken into account, it becomes evident that government has not performed all its duty as a moralising force until it has done everything in its power to make reform possible for those who desire it. The very least that common morality can demand is that no obstacle should be placed in the way of the unfortunates who are struggling to reform.

<sup>1</sup> Ehlers, *Conférence Internationale, Brussels, 1899; Enquêtes*, i., 98 et seq.; Schmölder, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires*; Jeannel, *La Prostitution dans les grandes Villes du dixneuvième Siècle*, 263.

<sup>2</sup> Ehlers, *Conférence Internationale, Brussels, 1899; Enquêtes*, i., 121.

## CHAPTER VII

### FUNDAMENTAL OPPOSITION BETWEEN MORAL AND SANITARY CONTROL

IT is not difficult to understand that the sanitary and moral interests in the control of prostitution cannot be wholly in harmony with each other. Some features of sanitary control may be equally salutary morally, and *vice versa*. Others may at least be indifferent morally, and so create no real opposition between the two groups of interests. But unquestionably many regulations which may be very good from a sanitary point of view are evil from the point of view of morals. And the reverse is likewise true.

It is not an accident that in Paris, where the sanitary branch of the service has been grafted upon the Morals Police proper, and is still subordinate to it, there should be constant friction between the medical men and the police. The police, as guardians of public morals, do not find it possible to put into force measures that the physicians consider absolutely essential. This is still more the case in Austria, where the two

branches are independent of each other. The complaint is frequently made by the sanitary branch that the morals branch pursues its own ends, quite regardless of sanitary considerations. A learned Austrian writer has laid down the axiom that the less the attention that is paid to public morality, the better will be the state of public health, and *vice versa*.<sup>1</sup>

The reason for this opposition lies upon the surface. Since venereal diseases are always the result of contagion, it is evident that if all those who are diseased could be isolated, and kept under treatment until entirely cured, venereal disease would disappear. But it is manifestly impossible to discover all cases of disease in the general population and to treat the patients discovered in isolation. Since, however, venereal disease is usually directly or indirectly traceable to prostitution, if prostitutes could be kept free from it, it would eventually disappear from society. To attain this end it would be necessary to discover every case of disease as soon as it appears, and to confine the patient until the disease is wholly cured. And this implies, of course, a rigid police control over every woman who sells the use of her person, whether publicly or not,—a control sufficient to compel her to submit to very frequent sanitary inspection, and to a long and tedious imprisonment whenever she is infected with disease. Naturally,

<sup>1</sup> Schrank, *Die Prostitution in Wien*, ii., 126.

the most violent opposition on the part of the prostitute must be expected. For several reasons, the periodic examinations are irksome to her; still more irksome is compulsory treatment, since the diseases with which she is infected may not be painful to her, and she cares not a whit whether she transmits them to her clients or not,—no more than do her clients care whether they transmit disease to her. According to this system of regulation, the police would treat her much as a chattel, and would keep her in good health for her clients' sake.

It is the habit of many who advocate such a system of regulation to paint all prostitutes as hideous, blear-eyed, degenerate creatures, recognisable at a glance, detestable to all, even to their "consumers," stained through and through with every form of vice. If such a characterisation corresponded with the reality, it would be comparatively easy to carry out such a system of regulation, and any moral opposition which might arise could be met by pointing out incidental effects that would make for morality and public order. The lodgings of the prostitute would be under police supervision and would be prevented from becoming dens of filth and contagion. The police would become acquainted with the general habits of such women, would know the individuals who prey upon them, and thus could prevent them from becoming the tools of low criminals, as they so

often do under conditions of *laissez faire*. Moreover, the police would naturally inquire into their antecedents and would thus collect valuable data as to the causes, biological and social, which are responsible for such depraved forms of humanity.

Even if the premise of such a class of prostitutes is accepted, the objection might be raised that the semi-official position of the prostitute would seem to indicate a public sanction of debauch. The official guarantee of good health would remove any hesitancy to indulge in forbidden pleasures that fear of disease might create. Writers of the regulation school claim, however, that as a practical fact the patrons of women of this class are not likely to be influenced much by sanction or lack of sanction on the part of the police, nor are they of self-control sufficient to restrain their passions for fear of disease.<sup>1</sup>

But it would be a grievous error to suppose that all prostitutes, or even a very large proportion of them, are thus easily distinguished from the decent classes of society. Modern prostitution is an infinitely complex phenomenon. It is intangible, indefinable. From its complexity arise not only the most serious practical difficulties, but moral difficulties as well.

With perhaps the majority of prostitutes, the

<sup>1</sup> As an example of this naïve type of reasoning, see *Report of Parliamentary Committee on the Contagious Diseases Acts, 1882*.

life of shame is only a temporary state.<sup>1</sup> In a time of distress, they resort to it as their readiest means of support. Or, during certain years in which their native passions are strong, they accept such a life from choice, but, tiring of it, they seek to return into the society which they have left. At first but a comparatively small number of them admit to themselves that they have taken an irrevocable step. They conceal their life from their friends, they account in some fictitious way for their earnings. It may be that they do not have the strength to abandon the life after once becoming accustomed to it. But the majority, in all probability, do abandon it.

To the average individual, it is true, there is something exceedingly repulsive in the idea of the restoration to decent society of women who have lived a vicious life. In the small city, the girl who has been the victim of the selfishness and treachery of the man whom she has trusted becomes a social outcast; how much more would society thrust from itself those who, even under the stress of starvation, have sold their honour. Yet these women are members of society and can hardly be refused by government the right to reform. And reform would be all but impossible if they were prevented from returning to some kind of society above the plane of the common prostitute.

Now, it is clear that to the woman who, in spite

<sup>1</sup> *Supra*, 74.

of her secret sin, still considers herself a member of decent society, any policy that would lay bare her doings, search out her antecedents, classify her with those whom she, at any rate, considers infinitely beneath her, would be a positive deterrent to reform. Hitherto, only those knew of her shame who shared in it; after she is placed under police control, a whole police system is privy to it. It does not matter that the Morals Service is bound not to disclose what it knows; the woman is certain that at any time in her life the knowledge of her previous conduct may in some mysterious way leak out; and the official record of her shame exists, to be consulted by favourites of the bureau, in spite of general regulations.

As would be expected, it is the opponents of a system of regulation who lay most stress upon the fact that subjection to any police control that would be sufficient for sanitary purposes is a serious check to reform,—an act calculated to transform the temporary state of prostitution into a permanent one.<sup>1</sup> But the more moderate and more rational supporters of regulation admit that inscription upon the register of shame is a most serious step, and one to be taken only when the chances of reform are small.<sup>2</sup>

<sup>1</sup> See Yves-Guyot, *La Prostitution*, 218 *et seq.*, and Sheldon Amos, *Regulation of Vice*, 87 *et seq.*

<sup>2</sup> "Inscription upon the register of the bureau of morals is the final stage of vice, the final term of degradation. It is the official formality which, like the *licentia stupri* of the Romans, regulates and legitimates

Such are some of the moral considerations against forcing women to submit to police control against their own will. In many cases, however, the utmost willingness on the part of the prostitute will not morally justify her registration. This is especially the case with minors. In every large city there are numbers of very young girls engaged in professional vice. According to the theory of sanitary regulation, these ought to be subjected to periodical examinations as well as any others. But moral considerations forbid the public recognition of a right of children of thirteen, fourteen, and fifteen to prostitute themselves. It is a matter of sufficient gravity to register minors of more years than these. On the Continent, the consent of parents and guardians is usually required for their registration. It is difficult to see how the securing of the consent of a probably vicious and worthless parent can relieve the administration of any moral responsibility.

It would, accordingly, seem that while there is a class of prostitutes who would hardly be injured

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the sad trade of prostitution. It is, in a word, that sinister act which severs a woman from society and which makes her a chattel of the Administration."—Mireur, *La Prostitution à Marseilles*.

"The system of supervision and regulation of vice which exists almost everywhere to-day is more designed to force into the depths the girls who are upon the downward path, and to retain in the profession of prostitution those who are already under police control, than to lighten their return to the right."—Neisser, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires*, 5me Question, 14; also Jeannel, *op. cit.*, 315.

by sanitary regulation, whom it might be for the public welfare to subject to such regulation, there is also a class the subjection of which to regulation is inadmissible from the moral point of view. In practice, every system of regulation is compelled to take a middle course, sacrificing moral ends to sanitary and sanitary to moral. As a result, it is impossible to realise either end completely.

There are other moral difficulties in the way of a system of regulation. No amount of sophistical discrimination between the words "toleration" and "recognition" can conceal the fact that a system of regulation makes of prostitution a legitimate industry subject to regulations in the behalf of its patrons identical in nature with the early regulations as to the weight of the loaf of bread, or the size and quality of the yard of woollens. Almost every one is familiar enough with human nature to know that the notion that any indulgence is a general need, inherent in the state of manhood, creates in the growing boy an almost irresistible impulse to experience it. State recognition and regulation of prostitution would unquestionably tend to confirm the already common opinion that secret indulgence is an imperative need.

Again, the creation of the impression that prostitution is safe is pretty sure to increase the patronage of the prostitute, and in so far to increase the material basis without which prostitution would perish. While there are large numbers

of men who cannot be deterred from incontinence by fear of disease, yet even of these there are doubtless some who indulge less freely in vicious pleasures for that reason. It is a notorious fact that travellers are less self-restrained in this respect in cities that have the reputation of possessing a good system of regulation than they are elsewhere.<sup>1</sup>

In the practical working of regulation systems, there are many features that are not in keeping with moral requirements. The French system of encouraging the establishment of brothels is a case in point. Any one knows that the assembling under one roof of a group of depraved women means a still further increase in their depravity. The creation of a propertied class which legitimately shares the profits of vice is in itself demoralising. It means the recognition of pecuniary interests in the fall of women.<sup>2</sup> In no country have

<sup>1</sup> It is sometimes argued that the fact that the "control-book" is very rarely shown by the prostitute to her patrons proves that little thought is given to the possibility of disease, and that hence the guarantee of good health does not add to the sum-total of immorality. Of course it proves nothing of the kind. In a city where sanitary regulation exists, the patron generally takes it for granted that such women are subjected to it and that the fact that they are at large proves their freedom from disease. (For authority as to the popular belief in the safety of regulated prostitution, see Ströhmberg, *Die Prostitution*, 120.)

<sup>2</sup> France has long possessed a regular publication (*Annuaire Réirum*) which gives the addresses of all houses of prostitution in the cities and towns of France, together with information of interest to the "trade," such as the towns suited by population and number of men in the garrison for the establishment of new brothels, etc. The procuring of new recruits for the brothels is often undertaken by men representing groups of licensed houses.—Reuss, *op. cit.*, 151 *et seq.*

brothels existed without the rise of individuals who make seduction a profession. Of course, flagrant crimes against morality are sometimes punished. Nevertheless, if the brothel is to exist, it cannot be held too strictly to account for the measures it takes in securing the necessary number of occupants.

It has long been recognised that it is evil, from the moral point of view, to permit the sale of alcoholic liquors in brothels. The existence of places of amusement in connection with brothels is another serious evil; men who are simply in search of amusement that is harmless in itself are likely to be attracted there, only to become subject to temptations which they do not have the strength to resist. Accordingly, it was at first the policy in Paris to prohibit music and dancing, and the sale of intoxicants in public brothels. But it was found that the brothel could not exist under such conditions. And so the Parisian brothels have been permitted to transform themselves into luxurious cafés and the like, where every form of harmless entertainment is enlisted in the service of vice.

Again, public morals demand that solicitation upon the street and in public places<sup>1</sup> should cease.

<sup>1</sup> "From the moment that by inscription a semi-official seal is placed upon prostitution, one is morally bound to grant the women upon whom obligations are imposed the right to exercise their trade. For the great majority of public women, solicitation upon the street is the only kind that can be employed. The street, where they elbow the passers-by, furnishes them the means of their existence; forbid it them, and they die of hunger."—Reuss, *op. cit.*, 265.

But the prostitute at large would find it practically impossible to live if the prohibition were enforced. The enforcement of such a regulation is not in harmony with a system of toleration.

The licensed prostitute is perfectly aware of this fact, and her conduct is apt to be marked by a flagrancy which the clandestine prostitute would not dare to assume.

Of course it is perfectly apparent that a system of regulation which includes sanitary supervision may, from a moral point of view, be far better than a system of absolute *laissez faire*. Where prostitution is absolutely unrestrained, as it was in London some years ago, crimes against morality are without doubt more frequent than in a city like Paris. The debauching of minors was infinitely more frequent; the forcible detention in brothels, a thing not unknown in Paris, was fairly common. Organised societies for the debauching of little girls have existed, and probably still exist.<sup>1</sup> Solicitation is nowhere more open, more cynical.

But comparison cannot be made between a city in which there is practically no police control of vice, and one in which a most efficient police system has struggled with the evil for a century. Moreover, the conditions of the two cities are not such as to permit of a comparison of any value at all. One must rather compare the moral condition

<sup>1</sup> See *Revelations of the Pall Mall Gazette*, 1886; also *Select Report on Law relating to the Protection of Young Girls*, 1881, 579.

of a city in which sanitary control exists with the conditions that would prevail were sanitary control replaced by an equally efficient moral control.

There is one important consideration which may be noticed here, although it concerns itself immediately with public policy rather than with morality proper. Every student of political science knows that it is a serious matter to create laws or regulations which do not express the moral feelings of the more law-abiding class of society. The legal institution of *mala prohibita* which are not generally felt to be *mala in se* necessarily tends to diminish the feeling for the sanctity of the law,—a feeling without which laws can be effectively administered only by the strong hand of despotic government.

Infinitely more grave is the institution of laws which are, rightly or wrongly, felt by the moral classes of a state to be of execrable immorality. If, for example, it were agreed by sociological and political theorists that social welfare would be furthered by the literal enslavement of the idle and vicious, a law to that effect would be a menace to good government so long as the general public looks upon human liberty as sacred. It is conceivable that abstract thinkers might conclude that society would be better off if the congenitally defective, those of criminal instincts, and those who suffer from incurable, loathsome, and dangerous diseases could be put out of the way. But no

sane legislator would be willing to violate the feeling of the sanctity of human life.

In every civilised country there is a large class of persons who look upon regulation as a state iniquity exactly analogous to the above hypothetical policies. They consider that by legitimising vice the state identifies itself with immorality. By creating a class of administrative chattels for the use and enjoyment of the vicious, the state outrages the deepest sentiments of humanity. By discriminating between vicious women and vicious men, it insults womankind. By rendering vice innocuous, either in fact or in seeming, it incites the youth of both sexes to debauch. The defender of sanitary regulation will argue in vain against reasoning of this kind. He may try to prove that the countervailing good of regulation would be so great that the sum of human happiness would be greatly increased by its introduction. But moral sentiments do not demand that society should be happy; they do demand that it should be moral.

Accordingly, even if it could be shown that sanitary regulation is actually as effective in checking disease as its supporters claim, and even if it were impossible to demonstrate a serious moral cost, the legislator would be compelled to take into account the existence of such general antagonism to the policy of regulation. There is every reason for believing that, in an American city, the

more moral element in the population would be practically a unit against it.

One further objection, also political rather than moral, may be added. It is the general belief of political thinkers, at least in Anglo-Saxon states, that every encroachment upon the liberty of the individual is an evil in itself, only to be justified by a very great good resulting from it. A system which makes it possible for the police to seize on suspicion any citizen and impose upon him an insulting examination for the purpose of discovering disease, and to imprison him on suspicion that he would immorally communicate it if left at large, cannot be said to be in harmony with the principles of personal liberty. Any person might be subject to such indignity, since the natural grounds upon which the administrators of such a system would act are the accusations of persons who have confessedly shared in immorality.<sup>1</sup>

It need not be supposed that the liberty of the average citizen is secured because the police in this specific case act only with regard to friendless women. One inroad into the domain of individual liberty is a precedent for another.

<sup>1</sup> In Paris and Berlin the registered prostitutes are recognised auxiliaries of the police in hunting down clandestine prostitutes. It can readily be seen that the personal liberty of any woman who is not of unquestioned standing in society may be jeopardised by the spite of a common harlot.

## CHAPTER VIII

### PRACTICAL DIFFICULTIES IN THE REGULATION OF PROSTITUTION

WE have seen that the ideal of sanitary regulation can, for moral reasons, admit of only an approximate realisation. It is of great importance to examine regulation as it exists to-day, with a view to ascertaining how far the approximation falls short of the ideal.

That part of prostitution which cannot be subjected to sanitary control is necessarily very large. Probably by far the greater number of prostitutes begin their career of shame before they have attained their majority.<sup>1</sup>

This fact is so well known that authority need hardly be cited to prove it. It stands to reason that the waif or neglected child of fifteen, sixteen, or seventeen should fall the easiest prey, first of the seducer and later of the procurer.

<sup>1</sup> Of 1000 prostitutes concerning whom Dr. Le Pileur was able to secure detailed information, 758 began to prostitute themselves before the twenty-first year; 109 were prostitutes before the sixteenth year.—Le Pileur, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires*, 3me Question, 47.

Since the average length of time in which a prostitute exercises her trade is not more than half a dozen years, it is evident that the minors make up a considerable proportion of the total numbers of those who are at any time engaged in prostitution.

But minors, as a rule, cannot be subjected to sanitary control. In every country there is a strong public sentiment against the official recognition of minor prostitutes. Whether it is a sound moral sentiment or mere sentimentality, it must be counted with as a fact; and no administration dares to violate it to any great extent.<sup>1</sup>

With the minors may be grouped the very large numbers of prostitutes who will not voluntarily subject themselves to sanitary control, and whose conduct is not sufficiently notorious to justify compulsory registration. Naturally, most prostitutes begin in this class. They are not at first sufficiently hardened to be willing to be classed with notorious prostitutes; they still cherish the purpose of returning to honourable life. And although the police may suspect them, in probably nine cases out of ten it would be impossible

<sup>1</sup> In Berlin, 229 minors were registered in 1898. Any one can see that the number is wholly insignificant as compared with the number actually living in the state of prostitution. In Paris, from 1816 to 1832, 59% of those newly registered were minors. From 1851 to 1866 minors made up 33%. From 1880 to 1886 the minors were 20%. The percentage has declined since, but the exact figures are not at hand.

to obtain proof that would by any regular course of judicial procedure convict them of debauch. It is true that such proof is not absolutely necessary. Every police administration that undertakes to control prostitution pursues a more or less arbitrary policy. But experience has proved that such a policy must be pursued with great care. Otherwise the charge is sure to arise that honourable women have been seized and branded with the deepest infamy known to civilisation. It may be that the women in question are really what the police consider them to be. But if positive proof is wanting, as must generally be the case, the women stand innocent before the general public. And many such charges would annihilate any police organisation.

Continental defenders of sanitary regulation frequently deplore the violent opposition to the sanitary police that is aroused whenever the charge of arbitrary procedure is made. The system of sanitary control, they claim, is shorn of all effectiveness if the police are not empowered to act upon reasonable suspicion. Whether the popular feeling is sound or not, it is not necessary to inquire. The fact remains that it exists in every country, and that administrative systems find themselves compelled to respect it. Even in Russia, where, we are accustomed to believe, the police do much as they please, the high-class prostitute is seldom forced upon the register, for the simple reason that she can make her cause heard. It is the low-class

woman<sup>1</sup> who is the subject of arbitrary disposal. In Germany, imbued as it is with military ideals, the police proceed with a good deal of freedom in registering women against their will. Lack of visible means of support, and the existence of venereal disease are taken as proof of prostitution. Of course, reflection will show that such proof is not absolute. But the public is generally willing enough to believe that a woman without support, especially if diseased, is of bad character; and doubtless mistakes would not be so very frequent. The experience of Berlin proves, however, that the great majority of those who are actually prostitutes cannot be discovered even in this way.

In Paris, the police are more circumspect in proceeding to register unwilling women as prostitutes. The movement for the abolition of control during the 'seventies and 'eighties brought to light some exceedingly unfortunate mistakes that had been made in the arrest of suspected women.<sup>2</sup> Doubtless the Bureau of Morals proceeded with as great caution as possible. But if compulsory registration is employed freely, some mistakes are inevitable.

It would be interesting to know how far such a policy could be pursued in a great city of England or America, with Anglo-Saxon notions of personal liberty and of inviolability of domicile, and with

<sup>1</sup> Stürmer, *Die Prostitution in Russland*, 107.

<sup>2</sup> Mrs. Butler, *Personal Reminiscences of a Great Crusade*, 285; Yves Guyot, *op. cit.*, 126.

Anglo-Saxon dislike for police inquisition into private affairs. Of course a great number of low-class prostitutes could be picked up in notorious resorts, and public opinion might find little to object to. But as soon as the more notorious had been disposed of, it is difficult to see how the police could proceed farther.

Accordingly, it may be taken for granted that voluntary registration must chiefly be relied upon. Such is the case in the two cities we have selected as typical.<sup>1</sup> It may, further, be taken for granted that the very great majority of prostitutes will never submit voluntarily.<sup>2</sup>

<sup>1</sup> Of course, "voluntary" inscription must be understood to imply something quite different from free consent. By frequent arrests, by threats of long imprisonment, and the like, these women are compelled to submit. But of course no such persecution would compel a really innocent woman to consent to inscription.

<sup>2</sup> Every authority on prostitution will state that the unsubjected or "clandestine" prostitutes far outnumber those who are subject to control. Naturally, the number of the clandestine can be arrived at only by conjecture. Some of these conjectures may, however, be worth mentioning.

Barthélémy estimates that the clandestine prostitutes are from ten to fifteen times as numerous as the subjected. Reuss contents himself with saying that the clandestine are greatly in the majority. Lecour, writing in the 'seventies, estimated the number of prostitutes in Paris at 30,000, of whom about 4000 were subjected. At present, something over 6000 are subjected; and from the incessant complaints of the increase of clandestine prostitution, we may infer that the proportion has not changed for the better (from the reglementist point of view). Müller, writing in 1867, estimated the prostitutes of Vienna at 20,000. In all probability the number has since doubled. Those under sanitary control numbered 2400 in 1896. Nieman, in 1890, estimated that there were 50,000 prostitutes in Berlin; in 1887, 3063 were under sanitary control.

Without laying too great weight upon conjectural estimates (although the authors cited are entitled to the highest respect), one may consider it a very conservative opinion that in none of the great cities of Europe do the registered prostitutes make up more than from ten to twenty-five per cent. of the total number of those who gain their living by prostitution.

Without reflection, one would be inclined to suppose that the part controlled is the more dangerous from the sanitary point of view, since the more notoriously debauched. So far as syphilis is concerned, this is a mistake. It must be remembered that the syphilitic, after two or three years, does not normally transmit contagion, and that she is immune against fresh infection.

Syphilitic disease is so common among the patrons of prostitution that a prostitute rarely escapes the disease for more than two or three years after entering upon her life of shame.<sup>1</sup> It is, however, these years in which the prostitute is most averse to submission to control, and in which it is the most difficult for the police to force her to accept control.

Accordingly, it lies in the nature of the case that a very large percentage of those who submit to

<sup>1</sup> Out of the 718 syphilitic prostitutes observed by Le Pileur, 489, or 68%, were contaminated in the same year in which they began to be prostitutes; 101, or 15%, in the year following.—Le Pileur, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires, 3me Question, 49.*

registration have gone through with their contagious period either partially or wholly.<sup>1</sup> This would be especially true in the case of those infected while minors, since even just ground for suspicion is not sufficient to permit of their registration. It will surprise no one to know that a very large proportion of all prostitutes are infected before their majority.<sup>2</sup>

When we take these facts into account, it seems probable that of those who become registered prostitutes, the dangerous period does not, on the average, bear as great a proportion to the post-contagious period of their career as registered prostitutes as did the contagious period before registration to the period before infection. Moreover, those who are never registered at all do not continue in their life of dishonor as long after

<sup>1</sup> Of 431 registered prostitutes observed by the same authority, 318, or 74%, were already syphilitic when registered; 147, or 34%, had been infected a year or more before they were registered.—Le Pileur, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires*, 3me Question, 60.

<sup>2</sup> Dr. Le Pileur describes the early career of the typical prostitute in the following "aphorism":

"Deflowered at 16,  
Prostitute at 17,  
Syphilitic at 18."

Out of the 718 syphilitic prostitutes, 498, or 69%, were infected before the twenty-first year.—Le Pileur, *ibid.*

According to Fournier fils, 63% of syphilitic prostitutes under his observation had been infected before the twenty-first year.—*Conférence Internationale, Brussels, 1899; Compte Rendu*, ii., 1re Question, 82.

Jullien finds that 65% are contaminated before twenty-one.—*Conférence Internationale; Compte Rendu*, ii., 1re Question, 58.

becoming immune as do those who are eventually registered.

One further fact to be taken into account is that the patron, or rather the consumer, of the child-prostitute, does not exercise the same caution that he would under other circumstances. He flatters himself that it is the first debauch or pretty nearly the first. In like manner, the man who has illicit relations with women who outwardly seem entirely respectable is unlikely to suspect disease.

Accordingly, there would seem to be a good *a priori* reason for believing that the clandestine prostitutes are far more dangerous than the registered; and this quite without regard for the greater or less degree of perfection of sanitary surveillance.

The comparative morbidity of the clandestine and the registered prostitutes has been very much discussed. As a rule, all supporters of regulation are agreed that the clandestine prostitute is far more likely to be diseased than the registered prostitute. The opponents of regulation hold the opposite view. The former party seem to have the better facts to support their contention.

One way of proving the dangerous character of clandestine prostitution is to make inquiries as to the source of contagion of men afflicted with venereal disease. But little information of value can be obtained in this way, since the patient is often uncertain as to which one of a number of prostitutes may have infected him. Again, if he

knows it, he may refuse to designate the person, since that would render her liable to arrest. Moreover, since the clandestine are held to be not quite so low as the registered prostitutes, many men will give false information out of a species of pride.

But even if it could be certainly known how great the number infected by each class, no really valid comparison could be made, because no one knows the exact number of clandestine prostitutes.

A second way is to compare the state of health of the clandestine prostitutes who are arrested and examined with that of the registered prostitutes. This, too, can give no certain information, since those who are arrested are but a fraction of the total number, and may not be fairly representative of it at all. Such as it is, however, it is the only empirical evidence of any value that is attainable. This seems to be decidedly against the clandestine. From 1872 to 1888, the sanitary service of Paris examined 45,577 registered prostitutes and 47,340 clandestine. The average morbidity of the clandestine was 31.65%; that of the registered 13.47%.<sup>1</sup>

No separation of the various diseases is here made. It is generally claimed that the comparative proportion of syphilis alone is much more favourable to the registered. This is what one would expect, since gonorrhœa does not carry immunity with it, as does syphilis, and hence may be as

<sup>1</sup> Augagneur, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires*, i., 65 et seq.

common among the older prostitutes as among the younger.

Older authoritites on prostitution try to establish the comparative morbidity from the number of examinations in which disease is discovered. This is, of course, a wholly absurd procedure. The registered prostitute who is diseased is removed to the hospital and ceases to figure in the statistics of examinations until she is cured, when she again helps to swell the number of examinations in which no disease is found. Whenever figures are cited showing that the clandestine are ten or twenty or fifty times as dangerous as the registered, one may be certain that this astonishing fallacy is chiefly responsible for them.

From such facts as we have, we may, however, conclude that the more dangerous prostitutes, from the sanitary point of view, are those who cannot be subjected to sanitary control.

It remains to consider how far that fraction of prostitution which can actually be brought under sanitary control is really rendered innocuous. This is, of course, a question for medical specialists to discuss rather than for laymen. Nevertheless, it is of the utmost importance for the layman to know what conclusions the specialists have reached.

It may be remarked, in passing, that the discussion of this question has taken an altogether new turn in late years. Twenty years ago it was only the moralist, who knew nothing of medicine,

who dared to connect venereal disease with registered prostitution. It is difficult to find a single competent writer of the present day who does not deplore the imperfections of the system as it exists, and who does not admit that registered prostitutes are responsible for a vast amount of venereal infection.

In the first place, it is universally agreed that the manner of inspection is imperfect. In many places the inspection has to take place under circumstances that preclude the possibility of scientific accuracy. The apparatus needed is often wanting; the physicians appointed for the work are far too much overworked, and they are not men who have been specially trained for it. Consequently, many of the prostitutes who are dismissed with the official stamp of good health are capable of transmitting contagion. Cases are frequent where men who have accompanied them from the dispensary have been infected with venereal disease.<sup>1</sup>

These deficiencies, it would seem, are almost entirely due to lack of necessary funds. This is clearly the case with the imperfection of apparatus. The same reason explains the needless haste with which examinations are made. By methods known

<sup>1</sup> According to Carlier, there are frequently groups of cautious individuals prowling about the doors of the dispensary, waiting to accompany those who have been found by the physician to be in good health. It is hard to characterise the immorality of a system that wantonly deludes men of such exemplary prudence! What wonder that the doctors are sometimes threatened with assassination.

to modern science, gonorrhœa is practically always capable of being established.<sup>1</sup> The diagnosis of syphilis has never been especially difficult.

But the expense that the needed changes would involve would be considerable. Ströhmb erg thinks that one physician could manage four hundred prostitutes. Finger would place fifty only under each physician. Other authorities are inclined to require fewer physicians than Finger, but more than Ströhmb erg.

If we suppose that each physician could adequately examine and treat one hundred prostitutes, it is plain that the cost would not be light. In Paris, with six thousand registered prostitutes, sixty physicians would be needed instead of twenty-four. It is true that at Paris the salaries of professional men are ridiculously low, so that the charge would not weigh very heavily upon the budget. But if New York were to adopt a system of regulation, controlling four or five thousand prostitutes (and few would advocate a system which should control less), the expense would be a matter of no small importance. The services of forty or fifty specialists could not be secured at a trifling cost.

To be sure, this point would not have much importance in the case of some other branch of sanitary service. But it must always be borne in mind that the great body of taxpayers would bear

<sup>1</sup> Kromayer and a number of other authorities deny this.—*Conférence Internationale, Brussels, 1899; Communications, i.; Appendix, 26.*

with very ill grace an expense created by other men's profligacy.

It is frequently suggested that by a system of charges for examination, a sanitary bureau may be made self-supporting.<sup>1</sup> Against the plan is the unanswerable argument of one hundred years of experience. Every city which has adopted sanitary control at first attempted to meet expenses in this way; and every large city has found that the plan works execrably. The most difficult part of a system of control is to induce prostitutes to submit to it voluntarily; and every burden imposed upon them will deter them from doing so. Accordingly, it has been suggested that those who do submit should receive a pension; nor is the suggestion unworthy of consideration, if sanitary control is to be adopted. It is time for every one to disillusion himself of the idea that the expenses of a system of regulation can be met from any other source than general taxation.

The second charge is that examinations do not take place at sufficiently frequent intervals. In Paris, excepting for the relatively small number of inmates of licensed houses, examinations are theoretically made every two weeks. As a fact, many delay their visit to the dispensary, so that the average time is longer. In Berlin, according to regulations, examinations are made weekly. In

<sup>1</sup> This view is advanced by Dr. F. R. Sturgis, in *Medicine*, June, 1901.

practice, the average number of examinations per annum is twenty-six.<sup>1</sup> In St. Petersburg, in 1893, the average number for prostitutes at large was twenty-seven; in Moscow, in the same year, it was only four.<sup>2</sup>

Of course, whatever good regulation may do must be greatly diminished when examinations are so infrequent. Disease may reach the contagious form soon after inspection and may be freely transmitted for two weeks or longer. The reasons why such a state of affairs exists are chiefly administrative. The examination is exceedingly irksome to the prostitute; and if it be made very frequent, she will do her best to evade control altogether. Were not this difficulty real, we may be certain that semi-weekly examinations would long ago have been instituted in all Continental cities.

The difficulty is much less in the case of the inmates of licensed houses. They cannot escape the examiner. This is one of the main reasons why the licensed house is so much favoured by the police, in spite of its moral defects. But the spirit of the times makes it impossible to confine any large part of the prostitutes in licensed houses.

Here, then, we have a difficulty which seems to be insurmountable. After a hundred years of experience, and with practically unlimited power to deal with prostitution as it will, the most perfect

<sup>1</sup> Blaschko, *Conférence Internationale, Brussels, 1899; Enquêtes*, i., 671.

<sup>2</sup> Stürmer, *op. cit.*, 121.

of police administrations, that of Paris, is manifestly unable to cope with it.

Under this head there is one further subtraction to be made from the efficacy of regulation. The prostitute who discovers herself infected is naturally in no haste to go to the dispensary, knowing, as she does, that weeks, perhaps months, of confinement will follow. Instead, she lingers as long as possible, or even disappears from her accustomed haunts and plies her vocation as a clandestine prostitute. She may be retaken by the police, and is subject to imprisonment after her recovery. But the future penalty does not outweigh the present prospect of being sent to the hospital.<sup>1</sup>

<sup>1</sup> Of 391 licensed prostitutes at large who were infected with syphilis, 74 per cent. were sent to the hospital in consequence of arrests made by the police. Of course, they would not have gone at once had they not been arrested.—Le Pileur, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires*, 3me Question, 71.

It may be of interest here to note the number of prostitutes who attempt to escape from control, and the number retaken by the police.

	Total number registered.	Disappeared.	Restored to control.
1888	4591	1779	1491
1889	4951	2125	1309
1890	4770	1555	1234
1891	5015	1450	821
1892	5004	1436	869
1893	4793	1121	739
1894	5154	794	616
1895	5790	1456	494
1896	5900	1190	615
1897	5233	1599	454
1898	6018	344	498

—Louis Fiaux, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires*, 2me Question, 121.

In the second place, it is generally admitted that the treatment is not sufficiently prolonged to cure the maladies discovered; that *as a rule*, in case of syphilis, the prostitute is dismissed from the hospital while quite capable of transmitting the disease. The external appearance of the disease is made to vanish; the disease remains. As a French writer has put it, the prostitutes are *white-washed*, not cured. This is pretty largely the case with gonorrhœa also. For the first two or three years, the syphilitic may at any time transmit disease; gonorrhœa, if not completely cured, may be transmitted for an indefinite period. To cure the latter malady completely, several months of treatment may be required; it is still a disputed point whether or not there is not a large proportion of women infected with it who can never be cured at all.<sup>1</sup>

The question arises whether this can be remedied. From a practical point of view, it is hard to see how it can. It is out of the question to detain all the prostitutes with latent syphilis in the hospital

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5609 prostitutes thus "disappeared" definitely in the eleven years. Of course many reasons besides desire to escape the hospital must have operated; but no one can doubt that many disappeared in order to prostitute themselves clandestinely either in Paris or in other cities, carrying disease with them.

<sup>1</sup> Kromayer makes this contention. Jadassohn, on the other hand, claims that in most cases it may be cured if time enough be given. But he frankly states that it is merely an opinion, and admits that it is not as yet proven. *Conférence Internationale, Brussels, 1899; Rapports Préliminaires, 2me Question, 41.*

until the two- or three-year period of contagion is over. Tarnowsky, Jadassohn, Finger, and a host of other medical men suggest the erection of asylums where they may be confined, and where the women afflicted with exceptionally stubborn cases of gonorrhœa may be kept.

According to Finger, about 25% of all licensed prostitutes are in the highly contagious stage of latent syphilis. From this we may form an estimate as to the practicability of the asylum scheme. In our hypothetical system of regulation in New York, we should constantly have from 1000 to 1500 persons serving two- and three-year terms in a species of health reformatory. We should also have a considerable number under indeterminate sentence for gonorrhœa,—a sentence which would in some cases expire only when old age should render the woman innocuous. The question of the costs at once looms up. But, quite apart from that, the plan is absurd, for no prostitute would submit to an examination that might lead to such consequences, if she could by any possible means escape it. Voluntary inscription would be unthinkable, and the difficulties of official inscription would be immeasurably increased.

There is a minor factor that may be taken into account before we leave the question of the safety of regulated prostitution. The question has often been raised,—generally by laymen, it is true,—whether contagion is not frequently *mediate*. When

it is remembered how frequently a low-class prostitute performs the same office, it would seem reasonable that some of her patrons may receive the virus of disease indirectly from others. This has been adduced to explain the alleged fact that cases of disease traceable to inmates of licensed houses are likely to be more frequent, proportionately, than those originating with the isolated but registered prostitutes, in spite of the fact that the former may show a smaller percentage of disease.

It may be seen, then, that many subtractions from the ideal of sanitary control must be made before we reach the actual efficiency of existing and practicable regulation. If, as seems reasonable, a system of regulation encourages indulgence to a certain extent, it will be necessary to make a further subtraction.

If, however, the small sanitary good that is due to regulation were a permanent acquisition of society, much might be said for the system. If venereal disease might in this manner be diminished, little by little, through the generations, it might be seriously considered whether the grave present costs ought not to be assumed. As a fact, so long as diseased patrons of prostitution are permitted to transmit their maladies without restraint, practically no permanent improvement is to be expected. A brief relaxation of sanitary control would restore exactly the conditions prevail-

ing before its institution, provided the moral habits of the community remained unchanged. In undertaking one-sided regulation, society takes upon itself a burden which it can never lay down without losing every advantage gained by its assumption.

This fact has led to the demand that all visitors of prostitutes should be subjected to sanitary inspection. The scheme is obviously impracticable, since such inspection could take place only in the brothel. If physical examination were required of visitors of licensed brothels, the licensed brothel would disappear for want of patronage, and isolated and clandestine prostitution would take its place.

## CHAPTER IX

### THE ACTUAL EFFECTIVENESS OF SANITARY CONTROL

SINCE the system of sanitary control of prostitution has been tried in many parts of Europe, and since it has in some cities been consistently applied for over a century, one would naturally expect to find statistical proof of its effectiveness in preventing venereal disease.

In attempting to establish the usefulness of sanitary control, comparisons of morbidity have been made between cities subject to regulation and cities in which regulation does not exist; secondly, comparisons of morbidity before and after the introduction or abolition of regulation have been made; and thirdly, a study has been made of the comparative frequency of disease in cities and countries where severity of control has varied.<sup>1</sup>

The third method is, of course, the most doubtful of all. The degree of severity of control is a mere matter of opinion; the frequency of venereal

<sup>1</sup> Blaschko, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires, 1re Question, 76.*

disease in the general population is also pretty much a matter of opinion. If we could rely implicitly upon the fairness of the men who furnish these opinions, we could still attach little importance to them. Under present circumstances, there are very few who are not prejudiced either against regulation or in favour of it. Still, we may cite the eminent Russian physician, Stürmer, as authority for the statement that in Russian cities, when the control is relaxed, disease increases, and the reverse.<sup>1</sup>

Of little value, if any, is the comparison of morbidity in different cities. The amount of disease may vary for reasons quite independent of the system of control, since the extent to which men indulge in vicious pleasures depends largely upon their resources, upon the moral tone of the community, and upon the number and character of those who offer such pleasures for sale. Moreover, the possibility of knowing the exact amount of venereal disease varies from city to city. Accordingly, unless there is an exceedingly marked difference in respect to disease, unless it may be shown to be exceedingly prevalent in one place and almost absent in another, it is impossible to demonstrate the influence of regulation in this way. As a fact, no reputable author would venture to affirm that venereal disease is more frequent in London or

<sup>1</sup> *Conférence Internationale, Brussels, 1899; Compte Rendu, 1re Question, 40.*

New York than in Paris or Berlin. Assertions based upon *a priori* reasons are frequent enough, but they stand or fall with the reasoning upon which they are based.

Accordingly, it is upon statistics of morbidity for a period before and after the introduction or the abolition of regulation that we must rely, if we are to get statistical proof at all. Even here it is necessary to note many sources of error. Excepting in Norway, only a fraction of the actual number of cases of disease fall under official observation. From the reports of public hospitals and from statistics of disease in the army and navy, it is necessary to infer the extent of venereal maladies in the general population. But many causes influence the number of those who apply for admission to the public hospital. An economic crisis, for example, might compel some to seek admission who, under ordinary circumstances, would be treated by private physicians. If military service is compulsory, statistics for the entire army will show with some fidelity the curve of disease in the whole country. But if service is voluntary, disease will vary with the class of men who enlist, and that will in turn be affected by economic and social causes too numerous to mention. Changes may take place in the quality of medical skill, so that cases of disease not counted at one period will figure in the statistics of another. Moreover, it is a well-known fact that venereal disease is subject

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to great fluctuations, the causes of which are not sufficiently known. These fluctuations, while often extending over a great part of Europe, vary in degree from place to place. The effect of such fluctuations upon the statistical problem is obvious. A "spontaneous" oscillation, coinciding in time with the introduction or abolition of regulation, may greatly accentuate or may altogether neutralise the effect of the change.<sup>1</sup>

Such is the gravity of this source of error that so conservative a writer as Blaschko declares that in consequence of it the results of regulation, whatever they may be, either do not appear at all, or appear very indistinctly.

Nevertheless, it may be worth while to devote a brief space to such statistics as are most often cited in proof of various theses. The English venereal statistics may be taken first, as they are the best known, and have frequently been compared with the results of a laboratory experiment.

By the Contagious Diseases Acts, put into effect in 1866, twelve districts in England and two in Ireland, chosen on account of the number of soldiers and sailors stationed there and on account of the prevalence of venereal disease, were subjected to a system of regulation, modelled, so far as its sanitary features were concerned, after the

<sup>1</sup> Report on Contagious Diseases Acts, 1882, x. Conférence Internationale, Brussels, 1899; Rapports Préliminaires, 1<sup>re</sup> Question, Augagneur, 61; Enquêtes, i., Ehlers, 106; Enquêtes, ii., Annexe, Tommasoli, 39.

Continental systems. In 1883 the Acts were suspended. Accordingly, it is possible to study the effect upon the army both of the introduction and of the abrogation of the Acts. In order to eliminate, as far as possible, the influence of the periodic oscillations of disease, the parliamentary reporters compared with the venereal statistics of the fourteen subjected stations those of all unsubjected stations.

Stations Subjected. Per 1000 Men.	Primary Sores.		Secondary Syphilis.		Gonorrhœa.	
	not Subjected.	Stations Subjected.	Not Subjected.	Not Subjected.	Not Subjected.	Not Subjected.
1861-1866	103	109.7	30.7	37.4	108.2	125.1
1867-1872	93.6	65.4	29.2	24.6	105.4	114.6
Decline	9%	40%	5%	34%	3%	8%
1860-1863	116.3	129.8	30.5	40	116.1	134.6
1870-1873	86	52.5	27.5	20.3	95	106.6
Decline	26%	60%	10%	49%	18%	24% <sup>1</sup>

The first impression created by these figures is that a very considerable reduction in disease is due to the Acts. But even a superficial examination is sufficient to show that the figures are deceptive.

Under primary sores are included both primary syphilis and *ulcus molle*. The latter disease, being easily discovered and easily cured when found, would naturally be the first to yield to sanitary control.<sup>2</sup>

<sup>1</sup> Report, *Contagious Diseases Acts, 1882*, xi.-xiv.

<sup>2</sup> "Prostitutes may conceal gonorrhœa, and physicians are not always able to determine whether or not a person is infected with syphi-

It would be of the highest practical importance to know how far the improvement in the subjected stations was due to the diminution in this form of disease. Few would advocate a system of regulation if its chief result were merely to eliminate that comparatively harmless malady.

The figures for secondary syphilis are no longer considered of any particular importance, since it is impossible to say where the primary syphilis, of which the secondary is a result, was contracted. The parliamentary reporters argue that in the shifting about of troops, fewer cases of latent syphilis left the subjected districts than were brought to them, assuming that there is a constant ratio between the number of cases of secondary syphilis and that of primary, and assuming that primary syphilis was less common in the subjected stations. The first of these assumptions is not exactly true, and the second is not proven, owing to the grouping of cases of the two kinds of disease. In default of actual proof as to the decline of primary syphilis, the statistics for secondary syphilis are devoid of all significance.

The decline in gonorrhœa is too slight to be of much importance. Even if such a decline were demonstrably due to regulation, one would hardly

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lis; but *ulcus molle* will always be discovered if regulation is efficient. Consequently, regulation will always have an influence upon *ulcus molle*. With a good system it may become rare, and may even disappear."—Reimers, *Conférence Internationale, Brussels, 1899; Compte Rendu*, ii., 1re Question, 96.

find in it much of an argument for the introduction of a system of regulation.<sup>1</sup> Accordingly, all that is proved by the statistics of disease during the existence of the Acts is that a reduction in primary lesions was effected. This is shown conclusively, it would appear, by a comparison of the curve of primary sores in the fourteen subjected stations and the curve for fourteen unsubjected stations chosen for the sake of comparison.

But even if we grant that a decline in primary syphilis took place, it still remains a question whether any light is thrown upon the problem of regulation in large cities. Most of the stations selected for the English experiment were towns and small cities. A moment's reflection will show that in such places the possibility of compelling all prostitutes to comply with the regulations is infinitely greater than in the great city. Clandestine prostitution can thrive only in great centres of population.

In a civil population, it seems reasonable that a general belief in the safety of prostitution will increase the patronage of vice, and thus neutralise to a certain extent whatever sanitary benefit may be due to control. In an army, the effect would probably be less marked, since soldiers are generally men whose habits are already formed, and who do not usually look upon venereal diseases

<sup>1</sup> Kromayer, after a detailed study of the English statistics, concludes that gonorrhœa was not really affected at all by the Acts.

with as much fear as does the civilian. Accordingly, there is reason to look for a much greater improvement in the health of an army, as a result of regulation, than in the health of the general population.

Norwegian statistics would seem to give more useful information than do those of England. In 1888 regulation was abolished for all of Norway excepting Bergen and Trondhjem. From the figures of Holst, it appears that immediately after the abolition of regulation a rise in the number of cases of venereal disease took place for all Norway.<sup>1</sup>

The statistics for Norway present, however, the same flaw that impairs the value of the English statistics. They do not enable us to know how far syphilis alone increased after the abolition of regulation. Moreover, we cannot be certain that cases of disease were as carefully reported before 1888 as after that year. In these respects the statistics for the city of Christiania are far more satisfactory. The curve of disease indicates that after the abolition of regulation, all three forms of venereal disease increased. The increase is particularly marked in the case of gonorrhœa.<sup>2</sup> This is somewhat surprising, since both *a priori* reasons and the facts of experience would lead one to expect a more radical change in the curve of *ulcus molle*, at least, than in that of gonorrhœa.

<sup>1</sup> Holst, *Conférence Internationale, Brussels, 1899; Enquêtes*, i., 128.

<sup>2</sup> *Ibid.*, 126.

The rise, however, is by no means such an extraordinary one as would be expected by those who look upon reglementation as the solution of the sanitary problem. Moreover, it is a question whether there were not other forces at work which tended to increase the volume of disease. From 1879 to 1888 the population of Christiania increased from 116,801 to 138,319. By 1898 the population had increased to about 220,000. The average annual increase for the former period was less than 2200; for the latter, about 8200. When it is remembered that the more rapid the growth of a city is, the greater the proportion of young and unmarried men and the greater the relative volume of vice will be, it does not seem unreasonable that an increase in disease would have taken place even if reglementation had not been abolished.

It is also a question whether 1888 did not introduce a period of spontaneous increase in venereal disease. The general oscillations of disease are not confined to any single country. Now, the nearest culminating point of syphilis in Copenhagen was in 1886, corresponding with a similar point in Christiania in 1882. In Copenhagen there was an abrupt descent of the curve of syphilis, reaching the lowest point in 1892, then rising again.<sup>1</sup>

At Lyons, a decline from 1883 to 1888 was followed by an increase from 1889 to 1893. At

<sup>1</sup> *Conférence Internationale, Brussels, 1899; Enquêtes, i., 106.*

Paris, a decrease from 1883 to 1888 was followed by an increase. In Colmar, the decline continued from 1882 to 1887, followed by an increase in 1888 and 1889.<sup>1</sup> In the Italian army, a decline from 1881 to 1888 was followed by an increase. Augagneur states that, for about the same period, the same thing is true of the French and English armies. Accordingly, it is an open question whether the increase that followed the abolition of regulation in Norway was due to it.

In Italy, a system of regulation which had been in force for about thirty years was abolished, nominally, in 1888. As a fact, the ministry did everything possible to discredit abolition. Statistics were collected and abused especially to that end. Moreover, the sanitary regulations were still enforced in many cities, in spite of the law. Accordingly, the statistics of Italy are worthless, so far as showing the effect of regulation is concerned.<sup>2</sup> The statistics of the Italian army show that after 1888 an increase in venereal disease did actually take place. But it cannot be demonstrated that the increase was due to the "abolition" of regulation. It was just as probably in part or wholly due to "spontaneous" oscillation.

The statistics of isolated cities or towns which have adopted or discontinued sanitary control are

<sup>1</sup> Augagneur, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires, 1re Question*, 61.

<sup>2</sup> Tommasoli, *Conférence Internationale, Brussels, 1899; Enquêtes*, ii., Annexes.

sometimes cited as proof of the efficacy of regulation. It is obvious that such statistics can be of little value, unless the city is a great one, and unless the system is enforced for a number of years. Upon the introduction of a system of control, it is the most natural thing for prostitutes who know they are diseased to move to another town. It is only by degrees that they learn that it is possible to evade regulations that are inconvenient for them. Undoubtedly, such emigration would have an immediate salutary effect upon the city from which they go. The effect upon the country as a whole is, however, practically *nil*. The experience of Colmar, a small city in Upper Alsace, and of Glasgow, would seem to indicate that a policy of absolute repression would have the same effect. It is unfortunate that we have no reliable statistics for a great city which has introduced a really scientific system of regulation. For a small city, the town of Dorpat in Livonia has probably been more successful in making a good showing than any other. That city had always been noted for the severity of venereal disease, and was considered especially dangerous as a station for troops. In 1898, after three years of really efficient regulation, the commandant of the garrison reported that not one of the thousand men stationed there had contracted primary syphilis during the year.<sup>1</sup>

<sup>1</sup> Ströhmberg, *op. cit.*, 206.

The most absurdly imperfect experiment upon which arguments were ever based was that of St. Louis, from 1870-1874. According to this regulation, the city was divided into six districts. One physician in each district was to visit the houses of prostitution and the apartments where isolated prostitutes lived, and might make physical examinations *if he thought it necessary.* It is easy to imagine how much chance there was of detecting disease under such a system of regulation. The claim has been made that the number of prostitutes diminished, as well it may have done, since many prostitutes would prefer other cities, where they were free, to one in which they were taxed and controlled. It has been claimed by some that venereal disease diminished; by others, that it increased; neither claim being supported by facts worth anything. For all any one knows, disease may have decreased or it may have increased. Whatever the change in morbidity, such regulations can hardly be credited with it.

In view of the above considerations, it is no wonder that the enlightened supporters as well as the enlightened opponents of regulation are practically agreed upon rejecting such statistics as we have at present, preferring to rely upon *a priori* reasoning and common-sense.<sup>1</sup>

<sup>1</sup> "It is a long time that I have studied statistics. Well, I do not believe that there are any that are of value."—Fournier, *Conférence Internationale, Brussels, 1899; Compte Rendu, 1re Question, 29.*

If it were true that the enormous sanitary improvements that the supporters of regulation expect from it could be realised, or if regulation brought about the thoroughgoing demoralisation that its opponents dread, statistics, imperfect as they are, would show it. But since the influence, whatever it may be, is comparatively slight, statistics cannot possibly establish it beyond cavil.

It is, then, upon common-sense that one is compelled to rely in deciding whether, with all its imperfections, existing regulation does much good. However imperfect the system may be, it nevertheless remains that many prostitutes who are capable of transmitting disease are discovered and sent to the hospital. The gist of the matter, according to Tarnowsky, is that a syphilitic prostitute when locked up in a hospital is less dangerous to society than when she is at large.<sup>1</sup>

Burlereaux, according to Barthélemy, observed thirty-five soldiers of a battalion infected with syphilis by the same woman. Would it not have been an advantage to have locked her up before so much damage had been done?

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"It is my conviction, based upon studies continued, I am almost sorry to say, through years, that one cannot prove, by statistics, the effect of regulation of prostitution upon the spread of venereal disease."—Neisser, *ibid.*, 35.

"In general, one believes no statistics but his own. One may support a thesis by statistical data, but he will never convince an adversary by arguments of that kind."—Lassar, *ibid.*, 33.

<sup>1</sup> *Op. cit.*, 318.

Dr. Commenge has estimated the probable good due to Parisian regulation.<sup>1</sup> From 1887 to 1897, 15,095 prostitutes have been sent to the hospital of the prison of St. Lazare to be treated for syphilis. Assuming that the average period of confinement was thirty days and that each one would have contaminated ten men, 150,950 men have been saved from a horrible disease.

There is something childish about such reasoning as this. If venereal disease is as frightfully prevalent among the clandestine prostitutes as all supporters of regulation claim, and if the clandestine so far outnumber the registered prostitutes as they also claim, then the man who is saved from the great probability of being infected by the diseased registered prostitute runs almost as great a risk of infection from other prostitutes. Common-sense would admit that the risk is less, but how much less it is puerile to attempt to discover. One may be pretty sure that some of Burlereaux's thirty-five soldiers would have contracted syphilis elsewhere; but omniscience alone would make it possible to know how many.

It is obvious that if the number of prostitutes controlled is a small fraction of the total number, the value of control is zero, since the number of diseased actually removed from active commerce is but an infinitesimal part of the volume of disease

<sup>1</sup> *Conférence Internationale, Brussels, 1899; Communications, i., Appendix, 125.*

to which the patrons of prostitution habitually expose themselves.<sup>1</sup> Regulation may be worth less than zero, if an impression of safety is produced without adequate reason.<sup>2</sup>

How near the efficiency of existing systems is to the zero point it is impossible to say. Some reliance may, however, be placed upon the opinions of those who have spent much of their life in studying the subject. It is worth noting that Parent-Duchâtelet, Behrend, Hügel, and almost all other writers of the first half of the nineteenth century, also many present-day writers in America,<sup>3</sup> never doubted that immense sanitary advantages from

<sup>1</sup> Ströhmburg, *op. cit.*, 144.

<sup>2</sup> "The public believes that this service" (sanitary control) "is very easy; that since the women have a direct professional interest in being well, there are practically no refractory ones at all, and that it is possible to have commerce with them without fear as though free from danger. It is here that the danger lies; it is this security that is perilous, since a man exposes himself without the habitual precautions."—Barthélemy, *Conférence Internationale, Brussels, 1899; Rapports Préliminaires*, 1<sup>re</sup> Question, 5.

<sup>3</sup> "One thing is certain, every one agrees,—the partisans of regulation not excepted,—that the methods actually in use for diminishing the evils of prostitution cannot be considered effective. The organisation and administration of the surveillance, medical and police, are so defective, in our opinion, that but little is to be expected from it."—Neisser, *Bulletin de la Société Internationale de Prophylaxie Sanitaire et Morale*, I., i.

"I am asked, 'Are you satisfied with the existing regulations?'—'No.'—'But you speak well of them.'—'Yes, for they do a *little good*.'"—Fournier, *Conférence Internationale, Brussels, 1899; Compte Rendu, 1<sup>re</sup> Question, 100*.

"A system of regulation in which arbitrary methods of registration are employed, which does not realise the purposes of sanitary inspection, which cripples the utility of compulsory treatment through premature

control were easily demonstrated. Modern authorities, on the other hand, are content to claim for regulation merely a modicum of good, or look upon it as a stock upon which really useful control may be grafted.

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dismissal from the hospital,—such a system of regulation is certainly of little value."—Tarnowsky, *op. cit.*, 205.

Augagneur and Blaschko are inclined to deny that existing systems of regulation do any good at all. Kromayer is certain that one of the most serious diseases, gonorrhœa, is not influenced in the least by regulation as it exists.

## CHAPTER X

### PROBABLE EFFECTIVENESS OF REGLEMENTATION IN NEW YORK

THE problems which regulation has to solve differ from city to city. Accordingly, it is not sufficient for the present purpose to show how far it has succeeded in other cities; but each problem relating to regulation must be considered with respect to the legal institutions, the racial and local characteristics, the social and economic conditions of the city of immediate interest—New York.

The legal question is obviously one which can be decided only by legal specialists. It is in a way preliminary to all further discussion, since constitutional obstacles to regulation, if such exist, are practically insurmountable. The regulation of prostitution can be a burning question only in the large city; and even if it were agreed by the inhabitants of the city that regulation is expedient, the hostility or indifference of the country at large would make it impossible to carry a constitutional amendment for the sake of its realisation.

All that can be attempted here is to state the problem, and to indicate the main theories that have been advanced for its solution.

The essential features of a system of reglementation are the periodical examination and treatment in the lock-hospital for venereal diseases. No legal difficulty would arise if the prostitute could be induced to submit to the rules voluntarily. But a very large class will never submit; hence compulsion is absolutely necessary if the system is to be effective. Manifestly, it would be impossible to impose compulsory physical examinations and imprisonment for extended treatment without depriving the persons subjected to them of a large share of their personal liberty.

The most familiar line of defence for such a restriction upon individual liberty is the declaration that prostitution is a status, analogous to the military status, which limits the civil rights of the individual and subjects him to special regulations and, possibly, to special tribunals. This is practically the view of European reglementists. It is doubtful, however, whether American constitutional law would admit the right of a legislature to create a special status of this kind.

A second manner of defending reglementation is to classify prostitution with occupations that are subject to police regulation, such as cab-driving, the keeping of a hotel, and the like. Regulations may decide under what conditions such a trade

may be carried on and under what conditions it is not permissible. Infractions of the rules may be subject to special penalties. The periodical examination could, perhaps, be defended in such a manner.<sup>1</sup> Physical examination would be a condition precedent to the exercise of the trade. But imprisonment for treatment would seem to be more difficult to defend. Would it be possible to imprison a cabman whose license has been revoked and who is *suspected* of intending to carry on his occupation unauthorised? Such a procedure seems to be perfectly analogous to the forcible detention of the diseased prostitute. Accordingly, regulation must discover some other basis than that of special regulation of a special trade.

But whether prostitution is viewed as a special status or a special occupation, some clear definition of prostitution and some workable method of establishing the fact of prostitution are essential. It is absurd to believe that the mere suspicion of police agents or the mere fact of venereal disease would be sufficient in America, as it is in France and Germany, to prove that a woman belongs to the status of professional prostitution, or exercises prostitution as a regular trade, so long as she denies the fact. Legal proof would be absolutely

<sup>1</sup> It may be remarked that in Russia, workers in factories are theoretically subject to periodical physical examinations, and that in Posen all barmaids are subjected to such examination before entering upon a position.

necessary for placing a woman in such a status or class, and such proof must necessarily in the majority of cases be difficult, if not impossible, to obtain.

Another common method of providing a legal basis for regulation is to bring it under the class of police regulations for preventing the spread of contagious diseases. The analogy between the compulsory treatment of venereal disease and the isolation of those who suffer from other contagious maladies, would, perhaps, be perfect if all venereal patients were subjected to the same treatment. This would, however, be impossible under present conditions; and to make the regulation apply to a special class only, would, of course, require the creation of such a special class, and thus would raise the difficulties which have been pointed out above.

A fourth plan is that of restoring ancient laws making prostitution a crime or a misdemeanour and of leaving to the police courts discretionary power as to the penalties imposed. It is conceivable that by a series of legal fictions the diseased prostitutes might be subjected to imprisonment in hospitals, while those not found to be diseased might be permitted to go unpunished. If such a procedure is not unconstitutional, it would probably provide a sufficient basis for a system of sanitary regulation of vice. The difficulty would still remain that sufficient

proof of prostitution would be required,—a difficulty which is practically insurmountable.

It remains to be considered whether it would be possible to overcome the natural objections of women of this class to police regulations, so that submission to its rules might be voluntary. This could only be done by granting special privileges to those who submit. A relentless persecution of those who do not submit to the regulations, and immunity from arrest to those who do submit, would undoubtedly drive many to accept registration and periodical examination as the lesser of two evils. Accordingly, the question of regulation based upon quasi-voluntary inscription resolves itself into the question of the possibility of coping with "clandestine" or unsubjected prostitution.

The first question to be considered has to do with the efficiency of the police organisation itself. Experience has shown conclusively that for the morals service, special agents, endowed with rare qualities of tact, shrewdness, and integrity, are necessary. Doubtless the materials for a special force of agents can be found in an American city. But it stands to reason that it would take time to organise as efficient a force as that of Paris or Berlin. For this reason, it must be expected that for a time excess of caution, varied by unfortunate excess of zeal, would mar the working of the system. This defect would cure itself with time, however, and so may be dismissed.

But, granted a force of the highest degree of efficiency, it is evident that the problem of coping with clandestine prostitution in New York would be exceptionally difficult. The freedom with which women and girls of good character frequent public places unattended, or pass through the streets alone in the evening, is not paralleled in any European city. In Paris, Lecour could arrest a young woman who waited for her husband at the door of a shop, "because no decent woman lingered upon the sidewalk." Imagine a New York agent of police acting upon such inferences! It is needless to dwell upon this fact, since any one can understand that American habits of life make it possible for a discreet prostitute to exercise her vocation much longer without rousing the suspicion of a limited force of police agents than she could possibly do in Paris or Berlin.

A second consideration is the greater difficulty that an American morals police would find in acting upon its suspicions. On the Continent of Europe a person generally lives more or less under the eyes of the police. Birth certificates, passports, employment cards, and the like are in fairly general use, so that it is not difficult for the police to have an insight into the antecedents and means of livelihood of the resident population. It is easy to see how such data would be of the utmost importance in segregating that part of the population which will bear watching. The antecedents of any person

who may immigrate into a city are likewise easily determined. But in New York the police would have no help from such data. A secret service, however ubiquitous, could acquaint itself with the life of only a fraction of the population of New York.

Again, it makes much difference whether the vicious element in the population is very migratory in its habits or not. It takes time before the conduct of a new arrival draws suspicion. Still more time elapses before the suspicion is sufficiently strong to justify police action. The person observed may be ready to remove to another city, or to another part of the same city, before anything can be done to fix her status.

The prostitute is notorious everywhere for her migratory habits. Self-interest may, however, compel her to remain in the same city when her whims would lead her to migrate. A city which is preëminently the centre of the life of a whole country will naturally be the place to which prostitutes will flock, and whence they may usually depart only with loss in earning power. Paris and Berlin occupy such positions. New York, on the other hand, is only one, although the greatest one, of a number of great American cities. As a centre of professional vice, it would be scarcely more attractive than Philadelphia or Chicago, or even a number of lesser cities. What is more, the far greater incomes of American prostitutes make it

easier for them to move from place to place than it is for European prostitutes.

In view of these considerations, it is evident that the problem of combating clandestine prostitution in New York is far more difficult than in European cities. One fact is, however, to be set against these, and that is that the occasional prostitute, who merely ekes out an insufficient wage by vicious earnings, is probably less common in New York than in Berlin, and perhaps than in Paris. And this is the most difficult to cope with of all forms of clandestine prostitution.

It remains to consider whether it would be possible to retain as efficient a control over prostitutes once registered as it is in European cities. This also seems doubtful. It is well known that prostitutes are more or less refractory, according to the characteristics of the people from whom they spring. The American impatience of authority would certainly make itself manifest in the spirit with which these women would obey regulations. The Parisian authorities find great difficulty in following up the prostitutes who withdraw themselves from control by changing their habitations. In view of American notions of inviolability of domicile, it is hard to see why it would not be very easy for a prostitute to drop out of sight altogether by merely moving from one part of the city to another. Moreover, if diseased, she would be exceedingly likely to prefer a few

months' sojourn in another city to a period of confinement in a lock-hospital. And while the amount of disease originating in New York might be diminished, the amount of disease in the country as a whole would remain practically the same. Under such conditions, it is evident that no permanent advance in the combating of venereal disease could be made, since a momentary relaxation of regulation would mean a restoration of the conditions prevailing before its introduction.

In almost every respect, then, New York presents a more difficult problem with respect to regulation than Paris or Berlin. If regulation does only a "little good" in the latter cities, it would necessarily do less good in New York.

## CHAPTER XI

### MORAL REGULATION OF VICE

IT is customary to speak as though there were but three possible ways of dealing with prostitution, absolute *laissez faire*, absolute prohibition of vice, and regulation.

It is very cogently argued that *laissez faire* is an inadmissible policy. Not only does venereal disease extend its ravages unchecked, but every sort of moral iniquity thrives wherever vice is a law unto itself. With equal cogency it is argued that no human legislator can make vicious men or women virtuous, or preserve so close a surveillance over them as to prevent the exercise of their evil propensities. Thus, by a process of exclusion, regulation is arrived at as the only rational policy for government to pursue.

It is difficult to understand how such naïve reasoning can still be entertained by thinking men. Regulative and repressive systems differ in emphasis, rather than in essence. The first aim of the reglementist is to check disease; he recognises, however, the gravity of vice in itself, and

admits that no measures that may limit its volume are to be disregarded. The opponent of regulation, while believing that vice itself is an evil that completely overshadows any hygienic effects that result from it, will generally admit that all means for combating venereal disease should be adopted, provided that they are not directly antagonistic to moral ends. Accordingly, we find many elements, both moral and sanitary, upon which both parties agree. A system of control based upon such common elements and supplemented somewhat as common-sense suggests, would escape the serious charge, now brought against regulation, of making itself ancillary to prostitution, and would at the same time be free from the moral and hygienic futility of violent repression. Such a system would abandon the task of effecting the impossible, in either morals or hygiene, and would reserve the powers at its command for the bringing about of such ameliorations as experience and reason have shown to be possible. Such a system we may term the Moral Regulation of Vice, since it would never lose sight of the fact that moral considerations are of paramount importance.

*Repressive Features in Moral Control.*—The first point upon which all are agreed is the necessity of suppressing, so far as possible, flagrant incitement to debauch. Solicitation upon the street and in public places should be restrained; haunts of vice

should be compelled to assume the appearance of decency; in short, every method of conspicuous advertising of vice should be done away with. It is admitted that this can be only approximately accomplished. The prostitute will always contrive to make her presence known. But much would be gained if vice could be made relatively inconspicuous except to its votaries. The constant presence of women known to be immoral serves to recruit each year the patronage of prostitution by inciting to vice many who would not of themselves have sought illicit pleasures. From this point of view, it is far better that prostitutes should be clandestine in fact as well as in name than that they should appear in their true colours. A system which places moral ends before sanitary would be just as capable of dealing with this part of the problem as one which regards sanitary ends as paramount. As a practical fact, the former system would encounter less difficulty than the latter, since the exigencies of sanitary control require that a certain latitude of flagrancy should be given to the licensed prostitute.<sup>1</sup>

The pernicious effect of a league between vice and legitimate pleasures has been mentioned above.<sup>2</sup> Especially dangerous is vice in public drinking-places. Women are engaged to persuade men to drink alcoholic liquors to excess; the effects of alcohol, in turn, lend service to vice. To

<sup>1</sup> *Supra*, 74, note.

<sup>2</sup> *Supra*, 74.

what proportions this evil may grow, the Parisian *brasseries à femmes* (drinking-places with female service) will show. It will doubtless be impossible to keep the saloon absolutely free from the presence of prostitution, and to prohibit absolutely the sale of intoxicants in brothels. But a policy which should revoke the license of a saloonkeeper who permits unattended women to frequent his premises in the evening and night would assist in driving vice from the saloon proper. A supplemental policy of discouraging the sale of liquors in so-called hotels would be needed to make the plan effective.

In like manner, the dancing-hall or music-hall which lends itself to the purposes of vice is a public nuisance and could be reached by the police whenever immorality becomes flagrantly conspicuous.

Vice will naturally take refuge in private houses if denied the use of public places. It would still require regulation to keep it within the bounds of decency. It is in vain that it is driven into privacy if by conspicuous lights or signs or by noisy music it is permitted to make its presence notorious. An English law of the present day makes it possible to close a house if it is shown by the testimony of two responsible citizens to be used for immoral purposes.<sup>1</sup> While it is doubtful whether such a law would have any other effect than that of breaking

<sup>1</sup> The mere fact that men and women resort to a house in such a way as to give good ground for suspicion is accepted as presumptive proof.

up the house of ill fame and compelling prostitutes to resort to solicitation upon the street, an analogous measure which should permit aggrieved neighbours to close a house which is *obtrusively* devoted to immorality would be a most efficient force in compelling such establishments to conceal their true character.

We may here consider whether moral ends are best subserved by relegating vice to a single quarter of the city. It is a serious question whether the house of ill fame, situated in a respectable locality and compelled to preserve an outward air of decency, is as dangerous to the community at large as a similar establishment surrounded by others of a like character and hence not under compulsion to refrain from flagrant devices for increasing its patronage.<sup>1</sup>

*Preventive Features.*—A second point upon which all parties will agree, is the desirability of keeping growing children free from contact with professional vice. The child who knows all evil is almost destined to share in it. No child over three years of age should be permitted in a house where prostitution is carried on.<sup>2</sup> In tenement and flat-houses, parents of children should be able to bring complaint against tenants of tenements or flats in the same building when suspicion is created that

<sup>1</sup> *Supra*, 39 *et seq.*

<sup>2</sup> In Continental cities, the inmates of brothels are not permitted to keep even their own children with them after the third or fourth year.

prostitution is carried on in such tenements; and if the suspicion is found to be based upon reasonable grounds, the courts should require the landlord to evict the suspected parties. The evil is one of such gravity that it would seem to justify a measure which interferes, to a certain extent, with the principle of inviolability of domicile.

Even where the children of the poor are not in immediate contact with professional vice, their surroundings are frequently highly inimical to virtue. Where a whole family, adults and children of both sexes, is crowded together in a single room, moral degradation is almost inevitable. What the effects of such conditions may be, can be judged from the fact that in European cities an appreciable proportion of the prostitutes who are brought up in such circumstances trace their fall to incestuous relations. The problem is one of the most intricate with which society has to deal, since the incomes of the poor and the rents which they have to pay are almost entirely fixed by laws over which government has little control. Nevertheless, the question may be raised whether it is not possible, by means of restrictions upon the building and letting of houses, to discourage the formation of quarters that inevitably entail upon the community a most serious burden of vice and disease.

It has often been suggested that the present system of public education does not exhaust its possibilities as a moralising force. Frequently,

the child who leaves the public school loses the only influence that makes for morality, and at the time when the need for such influence is greatest. There seems to be little doubt that an extension of the years of public education for children whose parents or guardians cannot show that they are engaged in satisfactory employment or properly cared for in their homes, would diminish the evil of prostitution of young girls. The child who is left free to pursue her own inclinations, or who is employed by unscrupulous parties, has always been the easiest prey of the professional seducer. Such additional education should naturally be of a kind that would train the pupils for industrial or household duties. It must be remembered that many girls become prostitutes simply because they are so deficient in training as to be incapable of earning their living in any other way.

All students of the social evil understand how serious the problem of the prostitution of minors has become. Whether sanitary or moral ends are considered to be of paramount importance, the prostitution of children cannot be tolerated. The supporters of regulation have for decades pleaded for the establishment of reformatories or asylums for the rescue of young girls who have fallen into evil ways, or who are in danger of falling. The Morals Service constantly has to deal with children who are much too young to be registered as public prostitutes, but who nevertheless

gain their living by professional vice. All that the judges can do is to give a useless warning, and to send them back to conditions in which moral improvement is impossible. In cities where no attempt is made to regulate vice, the general public is ignorant of the extent of this evil.

A Prussian law of July, 1900,<sup>1</sup> presents the first systematic attempt to grapple with this problem. By the provisions of this law, girls under eighteen who are found to be living a vicious life, or who fall into evil company so that they are in danger of being led into immorality, may be placed in institutions or under the charge of parties who will be responsible for their conduct. If necessary, they may be kept under guardianship until their twenty-first year. These provisions are applicable both to those whose parents or guardians connive at their downfall, and to those who cannot be controlled by their natural guardians. This law represents the consensus of opinion of the most profound students of the social evil.

*Sanitary Features.*—A system of moral control would not abandon all of the sanitary features that are embodied in regulation. Both systems alike demand that general practitioners should be required to possess a high degree of knowledge in the treatment of venereal maladies. Both systems agree that the quack physician who practically fosters disease for his own ends should

<sup>1</sup> *Das Fürsorge-Erziehungs-Gesetz*, July 2, 1900.

be eliminated.<sup>1</sup> Treatment for venereal disease should be within the reach of all. The cost of adequate treatment for the more serious forms of venereal maladies is so great that the vast majority of patients cannot be treated at all except at public hospitals and dispensaries. These should, accordingly, be numerous enough to furnish gratuitous treatment to all who desire it. Patients should be encouraged to appear for treatment; every care should be taken to insure them against exposure, since many would rather endure their maladies in secret than permit it to be known that they suffer from a "shameful disease." If publicity cannot be avoided at public dispensaries, it would be for the general welfare to designate officially private physicians in each quarter of the city who should treat such patients free of charge, receiving their compensation from the public treasury.<sup>2</sup>

Objection will doubtless be raised that such

<sup>1</sup> This has already been accomplished in England.

<sup>2</sup> According to Dr. Prince A. Morrow (*The Prophylaxis of Venereal Disease*), the vast majority of syphilitic patients do not receive adequate treatment. "Not one in twenty, certainly not one in ten, receives a treatment sufficiently prolonged." The city of New York provides twenty-six beds for the treatment of female venereal patients. For male patients there are fifty-six beds in the City Hospital and a small number in the Metropolitan Hospital. It seems almost incredible that, at the dispensaries, women patients are received in the same room with men, so that the fact that they suffer from secret maladies becomes known. Such a policy reminds one of that pursued by Parisian hospitals toward venereal patients during the sixteenth and seventeenth centuries: They were well cudgelled upon their admission and upon their discharge, in order that the fact might be impressed upon them that they suffered from a shameful disease.

measures would minimise the deterrent effect that is exercised by venereal disease upon those who wish to indulge in vice. It is a sufficient answer that the chronic results of disease are frequently even more disastrous to innocent parties than to the sufferer himself. Moreover, the immediate consequences of disease are sufficiently grave to act as a deterrent for those who can be deterred from vice by fear of disease. It is doubtful whether the distantly remote consequences are weighed at all.

Finally, a system of moral control cannot overlook the fact that venereal disease is frequently transmitted to innocent persons. Most frequently, this results from the fact that men who believe that they are completely cured of such diseases still retain chronic accidents by which they transmit disease to their innocent wives. It is difficult to see how this evil can be remedied except by the requirement, as a preliminary condition to the issuing of a marriage license, of a certificate from an official physician showing the present state of health of each of the contracting parties. Such a requirement would work no real hardship to any one, since few persons who suspected the existence of a disease of this kind would apply for an official examination before health had been restored. It will be admitted that many difficulties would arise in the administration of such a law, and that it could only diminish somewhat the evil which it is

designed to meet. The evil in question is, however, one of so revolting a nature that any amelioration would be worth a heavy cost.

For the administration of any system of control of vice, experience has demonstrated that a special body of police agents is required. If the ordinary police are permitted to arrest suspected prostitutes, or to raid houses of prostitution, the responsibility for the care of public morals is dissipated and unlimited opportunities for blackmail are created. The system which leaves the initiative to the private citizen is inadequate. The citizen may be trusted to do whatever lies in his power to prevent resorts in his immediate vicinity from becoming especially offensive to decency. This part of the system of control may wisely be left to him. But for the discovery of prostitution of minors, for the control of prostitution in public places and upon the street, a limited body of agents selected for exceptional qualities of tact and integrity is absolutely essential. Under a system of regulation, the agents are handicapped by the fact that much of their time must be spent in hunting down prostitutes who fail to appear for periodic examination. Divested of this responsibility, their efficiency in preventing the worst forms of vice would be vastly increased.

For the introduction of a system of control embodying the above features several State laws would be needed. But whereas regulation

would with difficulty find a place under the Constitution, a system of moral control would be open to no objections on the score of constitutional law. What is of greater importance, any good that might result from regulation is fatally tainted with evil; whatever good might result from moral control is good unmixed. Regulation would arouse the uncompromising hostility of a great part of the community; intelligent moral control would meet with the approval of all, excepting of those who are not satisfied with a plan which would only gradually bring about moral and sanitary improvement, and who dream that there is some royal road to the instant abolition of either moral or sanitary evil.

## APPENDIX

### THE "RAINES LAW HOTEL" AND THE SOCIAL EVIL

No one who has lived in New York City can have failed to realise that there is a close connection between what is popularly known as the "Raines Law hotel" and professional vice. The term is rapidly coming to be synonymous with house of assignation. This does not mean that there are not many so-called hotels, organised for the sole purpose of evading the Raines Law, which have remained completely free from prostitution. Yet it can hardly be denied that there are forces at work which tend to make the decent Raines Law hotel the exception rather than the rule.

From time out of mind there have been inns and hotels in which no attempt has been made to conform to the rules of morality of the general community. The transient has always been of notoriously loose habits, and it is only natural that vicious women should congregate wherever he is entertained. Inn-keepers of unscrupulous character have winked at disreputable practices where they have not positively encouraged them and shared the resulting profits. It is easy to understand the transition from such inns to the house of accommodation, which does not derive any appreciable part of its returns from legitimate service, but depends upon the patronage brought to it by the professional street-walker. Wherever solicitation upon the street is permitted, such establishments will inevitably exist; and they will prosper or decay with the form of vice which

supports them. Depending entirely upon vice, their location is necessarily limited to the quarters where the volume of vice is considerable. Solicitation upon the street is in turn limited to the vicinity of such houses, since the street-walker, in order to ply her vocation with profit, must have a place in the near vicinity to which she may bring her customers or victims. There is, accordingly, a natural tendency for vice to segregate itself, to a certain extent, from the general community, to form notorious districts in the various quarters of the large city.

New York, however, presents the unique feature of providing virtual houses of accommodation throughout the city, quite without regard for the actual demand for them. As a consequence, all difficulties that normally lie in the way of soliciting in other than notorious parts of the city are removed. The street-walker may make any place she chooses the scene of her operations. As a result, solicitation is probably more general in New York than in any other American city.

This abnormal and pernicious state of affairs is easily explained by reference to the local excise laws. By section 31 of the Raines Law the hotel is given a highly favoured position in the sale of alcoholic liquors, since it alone is permitted to sell such liquors on Sunday. It is a trite statement that the profits of a New York saloon are made on Sunday, the week-day trade merely sufficing to pay expenses. While this may be an exaggeration, the Sunday trade is certainly important, since the retention of regular custom frequently depends upon it. It was therefore inevitable that a great number of saloons should attempt to annex a sufficient number of rooms to pass under the definition of hotels.

For respectable purposes, however, the demand for rooms connected with saloons is necessarily very limited. And so the tenant of a "hotel" of this class has had the choice

between paying rent for vacant space or permitting the use of his rooms for dishonourable purposes. Of course there are many men in the liquor business who have preferred a pecuniary loss to a shameful gain. But it is easy to see why, in a class of men who are held more or less in disrepute and who are repeatedly charged with making a gain out of other men's degradation, many will be found who will not stick at profits, however stained. It may be truthfully said that, under the most favourable circumstances, the more scrupulous among the dealers in alcoholic beverages are at a disadvantage. Under the Raines Law, as it has been applied, there is an active influence which favours those who do not hesitate to make themselves the abettors of vice.

Any one who is familiar with conditions in New York must admit that the effect of the Raines Law has been to provide unexampled accommodations for prostitution. The only questions that are open to discussion are whether the volume of vice is greater than it would be if the Raines Law hotel did not exist, and whether vice as it manifests itself in such institutions is more dangerous to public order and public health than it would be under normal conditions.

The patronage of vice may be divided into two parts: that which is given without the employment of any allurements on the part of those who provide vicious pleasures, and that which is procured by such allurements. It is manifest that nothing can be done to limit the patronage of the first class. It is by the influence upon the second class that the evil imputable to any institution must be estimated.

Nothing can be clearer than the fact that the possibility, due to the Raines Law hotels, of soliciting now in one part of the city, now in another, increases immensely the number of persons whom the prostitute can subject to her allurements. Moreover, so long as solicitation is confined to

comparatively limited areas, it is possible for police agents to restrain, to a certain extent, the conduct of vicious women. When solicitation may occur in any part of the city, the task is made immeasurably greater. Accordingly, the power for evil of the prostitute is increased not only by the possibility given her of meeting greater numbers of men, but also by the greater freedom with which indecent proposals may be made.

More serious still, many of the Raines Law hotels are themselves the scene of most insidious and therefore most effective solicitation. The average citizen goes there to drink his glass of beer and to listen to the bad music and worse jokes that play so important a part in summer entertainment. When there, he becomes subject to solicitation which has the appearance of a mere flirtation; if he yields, it is with the least possible shock to his moral sensibilities; he may feel that he did not seek vice, but was overcome by circumstances. The convenient arrangement of rooms makes exposure unlikely. Persons who would hesitate to enter a brothel or notorious rendezvous are easily "victimised" in the Raines Law hotel with summer garden or roof garden or other facilities for public entertainment. The uncompromising moralist will probably say that it is a matter of small importance what befalls such moral imbeciles. He might, however, change his opinion if he knew how many of them there are.

Most serious of all, however, is the fact that the Raines Law hotel which stands on the line between vice and harmlessness is very frequently the place where the growing boy is introduced to the mysteries of immorality. Where popular entertainment is given, it is inevitable that a certain number of immoral persons will be found; and if accommodations for vice are present, the work of recruiting the patronage of vice among boys will certainly be active.

The effect of such institutions as the Raines Law hotel

in increasing the number of those who earn their living by immorality is no less obvious. Without them, the clandestine prostitute would necessarily take her patrons to brothels, houses of assignation, or to her own apartments. In any case the risk of discovery would be greater than at present. Many who are just starting upon the downward path would shrink from entering notorious haunts of vice. For such, the Raines Law hotel is naturally convenient. Just as the establishments which furnish free entertainment assist in the downfall of the young man, so they familiarise the young girl with the presence of disreputable characters and permit her to admire their stylish dress and flashy jewelry.

The most damning charge of all, however, is that the Raines Law hotel provides the greatest known facilities for seduction. Young girls, brought by unscrupulous escorts to enjoy the entertainment given, are regaled on beverages of the influence of which they are ignorant, and, by the aid and assistance of the hotel provision, fall easy victims. That this is no imaginary evil, nor one which is rare, is known to any one in New York who has eyes to see and ears to hear.

From the point of view of public order, the Raines Law hotel is unquestionably pernicious. It is impossible to form any idea of the number of thefts and robberies committed by prostitutes and their male retainers, since the victims do not usually make complaint. It is known, however, that such crimes are constantly taking place. They are naturally comparatively infrequent in the brothel and in the apartments of the isolated prostitute: in the former, because the proprietor of the establishment does not care to have the reputation for violence; in the latter, because the isolated prostitute does not wish her real character to be known to her neighbours. Even the house of accommodation is generally anxious to have a reputation for

safety. But the criminal prostitute can take one client after another to a Raines Law hotel and plunder him with the aid of her male retainer; and if one were to make a complaint, it is a simple matter for the woman to choose another quarter for her crimes.

In like manner the brothel and the isolated prostitute with fixed station are anxious to avoid the reputation for disease. To the one who uses a score of Raines Law hotels indifferently, it makes no difference how many persons she contaminates. Accordingly, there seems to be good reason for the opinion, prevalent among New York physicians, that the Raines Law hotels are the chief factor in the spread of venereal disease.

It has been said that the evils above enumerated are due not to the Raines Law, but to the manner in which it is enforced. Probably not ten per cent. of the "fake" hotels comply with the regulations of the fire, health, and building departments. Accordingly, ninety per cent. could be wiped out of existence by simply enforcing the law. But would that end the matter? Hardly. Instead of going out of existence, the owners of such establishments would be slightly more careful as to the fulfilment of the requirements of those departments. At a somewhat greater expense, they would still be "hotels," and would still furnish accommodations for vice.

It is true that among the provisions of the law, the proprietor or tenant is required to prevent the premises from becoming "disorderly." If this provision were rigidly enforced, some of the evils could no doubt be reached. But when a hundred provisions of a law may be violated with impunity, there is little chance of enforcing any one.

Moreover, those who are best acquainted with New York City are agreed that there is no chance that the law will ever be enforced. The popular detestation of it precludes all possibility of enforcement.

So far as the problem of prostitution is concerned, the essential thing is to put an end to the abnormal tendency to make hotels out of saloons. And this can be done only by relieving the saloon proper of the disadvantages under which it now labours, or by imposing an additional burden upon the hotel. The latter policy would fall under the same popular detestation with the Raines Law itself, and so would seem to be out of the question. Accordingly, the only alternative which appears to be open is the removal of the restriction upon the selling of alcoholic beverages on Sunday. It is not claimed that even such a measure would remove all the evils that the Raines Law, as it has been applied, has created. It would, however, prevent the further growth of the evil and would assist in making possible an effective moral control of vice.

NOTE.—*Provisions of Raines Law discriminating between the hotel and other establishments for retailing liquor to be drunk on the premises. Definition of "Hotel" and "Guest."*  
*Raines Law, §31:*

"It shall not be lawful for any corporation, association, copartnership, or person, whether having paid such tax or not, to sell, offer or expose for sale, or give away, any liquor:

"a. On Sunday; or before five o'clock in the morning on Monday; or

"b. On any other day between one o'clock and five o'clock in the morning; or

"c. On the day of a general or special election, or city election or town meeting, or village election, within one quarter of a mile of any voting place, while the polls for such election or town meeting shall be open; or

"d. Within two hundred yards of the grounds or premises upon which any State, county, town, or other agricultural or horticultural fair is being held, unless such

grounds or premises are within the limits of a city containing one hundred and fifty thousand inhabitants or more; . . .

“Clauses ‘a,’ ‘c,’ and ‘d’ of this section are subject to the following exception:

“The holder of a liquor tax certificate under subdivision one of section eleven of this act, who is the keeper of a hotel, may sell liquor to the guests of such hotel, . . . with their meals, or in their rooms therein, except between the hours of one o’clock and five o’clock in the morning, but not in the barroom or other similar room of such hotel; and the term ‘hotel’ as used in this act shall mean a building regularly used and kept open as such for the feeding and lodging of guests, where all who conduct themselves properly and who are able and ready to pay for their entertainment are received if there be accommodations for them, and who, without any stipulated engagement as to the duration of their stay, or as to the rate of compensation, are, while there, supplied, at a reasonable charge, with their meals, lodgings, refreshment, and such service and attention as are necessarily incident to the use of the place as a temporary home, and in which the only other dwellers shall be the family and servants of the hotel-keeper; and which shall conform to the following requirements, if situate in a city, incorporated village of twelve hundred or more inhabitants, or within two miles of the corporate limits of either:

“1. The laws, ordinances, rules, and regulations relating to hotels and hotel-keepers, including all laws, ordinances, rules, and regulations of the state or locality pertaining to the building, fire, and health department in relation to hotels and hotel-keepers, shall be fully complied with..

“2. Such buildings shall contain at least ten bedrooms above the basement, exclusive of those occupied by the

family and servants, each room properly furnished to accommodate lodgers, and separated by partitions at least three inches thick, extending from floor to ceiling, with independent access to each room by a door opening into a hallway, each room having a window or windows with not less than eight square feet of surface opening upon a street or open court, light-shaft or open air, and each having at least eighty square feet of floor area, and at least six hundred cubic feet of space therein; a dining-room with at least three hundred square feet of floor area, which shall not be a part of the barroom, with tables, and having suitable table furniture and accommodations for at least twenty guests therein at one and the same time, and a kitchen and conveniences for cooking therein sufficient to provide *bona fide* meals at one and the same time for twenty guests. . . .

“A guest of a hotel, within the meaning of this exception to section thirty-one of this act, is:

“1. A person who in good faith occupies a room in a hotel as a temporary home, and pays the regular customary charges for such occupancy, but who does not occupy such room for the purpose of having liquor served therein; or

“2. A person who, during the hours when meals are regularly served therein, resorts to the hotel for the purpose of obtaining and actually orders and obtains at such time, in good faith, a meal therein.”



## PART II

### RECOMMENDATIONS OF THE COMMITTEE



## RECOMMENDATIONS OF THE COMMITTEE

A CAREFUL consideration of the foregoing report points unmistakably to the conclusion that the so-called system of regulation is not a radical or adequate remedy for the evils connected with prostitution, even in their merely physical aspect. For the members of this Committee, indeed, the moral grounds alone would have sufficed to stamp as intolerable the proposition that the public authorities should undertake the inspection of houses of ill-fame with a view to rendering the practice of vice innocuous to those who engage in it. We recommend to those persons who are wont to extol this system as a kind of panacea and to deplore, with something of impatience if not of contempt, the Puritanical sentiment which prevails in this country, and which renders any attempt to introduce such a system impracticable, an attentive study of the passages in the above report relating to regulation and its results. They will find, on a closer study of the results, as these appear where the system has been tried, that their vaunted panacea is no panacea at all, and that

their confidence in its merits is far from being supported by the facts.

But, if not regulation, what then? The city of New York is rapidly expanding into metropolitan proportions. Within another ten years its aspect will, in many ways, be transformed. It is certain to become a more commodious and beautiful city than it has ever been before. But what will this material splendour avail if the forces that tend to debase the moral life of its people—and especially of its youth—are permitted to operate unchecked? The Social Evil is assuming alarming dimensions. What is needed at this time is a definite policy with regard to it; a policy that shall not attempt the impossible, that shall not be based on the delusive hope of radically altering in a single generation the evil propensities of the human heart, or of repressing vice by mere restrictive legislation, but which, none the less, shall ever recognise as an ultimate end the moral redemption of the human race from this degrading evil, and which shall initiate no measure and advise no step not conducive to that end; a policy that shall be practical with respect to the immediate future, and shall at the same time be in harmony with the ideals which are cherished by the best men and women in this community.

As an outline of such a policy we submit the following:

First, strenuous efforts to prevent in the tene-

ment houses the overcrowding which is the prolific source of sexual immorality. The attempts to provide better housing for the poor, praiseworthy and deserving of recognition as they are, have as yet produced but a feeble impression upon existing conditions, and are but the bare beginnings of a work which should be enlarged and continued with unflagging vigour and devotion. If we wish to abate the Social Evil, we must attack it at its sources.

Secondly, the furnishing, by public provision or private munificence, of purer and more elevating forms of amusement to supplant the attractions of the low dance-halls, theatres, and other similar places of entertainment that only serve to stimulate sensuality and to debase the taste. The pleasures of the people need to be looked after far more earnestly than has been the case hitherto. If we would banish the kind of amusements that degrade, we must offer to the public in this large cosmopolitan city, where the appetite for pleasure is keen, some sort of suitable alternatives.

Thirdly, whatever can be done to improve the material conditions of the wage-earning class, and especially of young wage-earning women, will be directly in line with the purpose which is here kept in view. It is a sad and humiliating admission to make, at the opening of the twentieth century, in one of the greatest centres of civilisation in the world, that, in numerous instances, it is

not passion or corrupt inclination, but the force of actual physical want, that impels young women along the road to ruin.

The three suggestions mentioned above indicate permanent causes to which the increase of the Social Evil may be traced. A better system of moral education may also be mentioned as an imperative necessity in this connection. As Dr. Prince A. Morrow, in a paper on "The Prophylaxis of Venereal Diseases," says:

"This campaign of education should be extended to the high schools and colleges for young men. Unfortunately, this has always been a forbidden topic. There is no reason why young men should not be forewarned of the pitfalls and dangers which beset their pathway. Whatever may be thought of the innocuity of 'sowing wild oats,' its consequences are most often disastrous to the health of the individual. They should also be taught that self-restraint, personal purity, and respect for women are among the surest foundations of character."

But to come to the points that more directly bear upon the problem as it presents itself in the city of New York.

From a recent report of a committee of the County Medical Association, it appears that the great city of New York provides for the reception and treatment of women suffering from venereal diseases only twenty-six beds in the City Hospital

on Blackwell's Island. We recommend the adequate increase of hospital accommodations for this class of patients. This recommendation is based on grounds of public health as well as of humanity to the sufferers. The public health is endangered, in so far as contagion is allowed to spread uncontrolled, and surely the sufferers themselves are entitled to the mercy of their fellow-beings. To justify the exclusion of such patients from the hospitals, and in answer to the question, What then shall become of them? it has been said: "Let them rot in their own vices." But this is a hard saying, all the more when it is remembered that not a few of the sufferers are but the victims of the sins of others, bearing in their shattered constitutions and in the loathsome disease inflicted upon them the penalty of suffering and humiliation which they themselves have done nothing to deserve.

The Committee further recommend that minors who are notoriously debauched shall be coercively confined in asylums or reformatories. The minors who are engaged in prostitution constitute at once the most dangerous and the most pitiable element in the problem of the Social Evil. They are the most active sources of contagion in every sense. In their case the prospect is, at the same time, most hopeful of waging effective warfare on the Social Evil, since they are young enough, if brought under the right influence, to be

rescued from the army of the vicious and restored to honest callings.

But above all the Committee recommend a change in the attitude of the law. As it stands at present, the law regards prostitution as a crime. If we are ever to escape from the present impossible conditions, it seems imperative to draw the distinction sharply between sin and crime. The proposition is to exclude prostitution from the category of crime. We hasten to add that this proposition should by no means be understood as a plea in favour of laxer moral judgments. A sin is not less odious because it is not treated as a crime. Sins may even be incomparably more heinous than offences which the law visits with punishment. Nevertheless, some of the most grievous sins are not subjected to legal penalties, simply because it is recognised that such penalties cannot be enforced, and a law on the statute book that cannot be enforced is a whip in the hands of the blackmailer. Corruption in the police force can never be extirpated until this prolific source of it is stopped.

But it may be asked: What, then, is to be the status of prostitution in the city of New York? In the first place, it must be driven out of tenement and apartment houses; the evil must be rigidly excluded from the homes of the poor. Secondly, it must not be segregated in separate quarters of the city, for the reason that such quarters tend

to become nests of crime and veritable plague spots, and for the further reason that segregation does not segregate, just as it has been shown that regulation does not regulate. Thirdly, all public, obtrusive manifestations of prostitution shall be sternly repressed. Not prostitution itself, when withdrawn from the public eye so as to be noticeable only to those who deliberately go in search of it, shall be punishable; but all such manifestations of it as belong under the head of public nuisance. The result of the adoption of this policy will be, indeed, the continued existence of houses of ill-fame, partly in streets formerly residential and deserted by the better class of occupants, partly scattered in the neighbourhood of the great thoroughfares and elsewhere, and these will remain undisturbed under the condition that they remain unobtrusive. The serious and weighty objections that lie against the existence of such houses are well known. But they are in every case objections which really apply to the existence of prostitution itself. They could only be removed if prostitution itself could summarily be extirpated. But this, in the present state of the moral evolution of the race, is as yet impossible. Recognising, then, that prostitution, although it ought not to exist, does and will for an indefinable time continue to exist among us, we are bound, as men advising for the moral welfare of our great city in the immediate future, to point out that form of the evil

which, all things considered, will work the least harm.

The better housing for the poor, purer forms of amusement, the raising of the condition of labour, especially of female labour, better moral education, minors more and more withdrawn from the clutches of vice by means of reformatories, the spread of contagion checked by more adequate hospital accommodations, the evil itself unceasingly condemned by public opinion as a sin against morality, and punished as a crime with stringent penalties whenever it takes the form of a public nuisance:—these are the methods of dealing with it upon which the members of the Committee have united and from which they hope for the abatement of some of the worst of its consequences at present, and for the slow and gradual restriction of its scope in the future.

In addition, we would recommend the creation of a special body of morals police, analogous to the sanitary police already existing, selected on grounds of exceptional judgment and fitness, to whom and to whom alone should be entrusted the duties of surveillance and repression contemplated in the above recommendations.

## APPENDIX

### PRESENT CONDITIONS IN NEW YORK

TRADING in vice has had a rapid development in New York City within the last few years. A combination of circumstances has made this possible. Through the Raines Law, the entrance upon a life of prostitution became attractive and easy. The appearance of the "cadet" formed the connecting link between the Raines Law hotel and the house of prostitution. The partnership between some of the officials of the Police Department and the traffickers of prostitution resulted in a system of reciprocity. Immunity from arrest was exchanged for profits from the trade in vice. When a house containing not more than ten inmates, exclusive of the proprietress, and known as a "fifty-cent house," could afford to pay an initiation fee of \$500 to the wardman, and \$50 a month for the privilege of continuing in this illegal occupation unmolested, an estimate can be formed as to the amount of trade which must be carried on within.

In one police precinct, not more than a mile square, there were known to be in 1900 about forty such houses. In the same precinct there were some sixty well-known centres of prostitution in tenement houses. The employees of these houses openly cried their wares upon the streets, and children of the neighbourhood were given pennies and candy to distribute the cards of the prostitutes. A system of "watch-boys" or "light-houses" was also adopted,

by which the news of any impending danger could be carried throughout a precinct in a very few minutes. Honest police officers who attempted to perform their duties were defied by the "cadets" and "light-houses." For a police officer to incur the enmity of a powerful "madame" meant the transfer of that officer "for the good of the service," if not to another precinct, at least to an undesirable post in the same precinct. A virtual reign of terror existed among the honest patrolmen and the ignorant citizens of these districts. Many times, citizens from such quarters have said that they would gladly tell what they could not help but see, were it not that they feared bodily harm and the destruction of their means of livelihood if they spoke. Little by little the facts were placed on record in the trials of police officers and "cadets."

*The Cadet and his Victim.*—The "cadet" is a young man averaging from eighteen to twenty-five years of age, who, after having served a short apprenticeship as a "light-house," secures a staff of girls and lives upon their earnings. He dresses better than the ordinary neighbourhood boy, wears an abundance of cheap jewelry, and has usually cultivated a limited amount of gentlemanly demeanour. His occupation is professional seduction. By occasional visits he succeeds in securing the friendship of some attractive shop-girl. By apparently kind and generous treatment, and by giving the young girl glimpses of a standard of living which she had never dared hope to attain, this friendship rapidly ripens into infatuation. The Raines Law hotel or the "furnished-room house," with its café on the ground floor, is soon visited for refreshments. After a drugged drink, the girl wakens and finds herself at the mercy of her supposed friend. Through fear and promises of marriage she casts her fortunes with her companion and goes to live with him. The companion disappears; and the shop-girl finds herself an inmate of a

house of prostitution. She is forced to receive visitors of the house. For each visitor the girl receives a brass or pasteboard check from the cashier of the house entitling her to twenty-five cents. The "cadet" returns to the house at frequent intervals, takes the checks from his victim, and cashes them at the cashier's desk.

Within the last year, six "cadets" have been sent to State prison for abducting girls under the age of eighteen years. The facts were substantially similar in all the cases, and in a majority of them the victims were physical wrecks when rescued.

The victim of the "cadet" is usually a young girl of foreign birth who knows little or nothing of the conditions of American life. She has just reached womanhood, and is taught by her parents that the time has come for her to look forward to marriage. Very often, the parents themselves are highly flattered by the attentions which are being paid to their daughter by such a prosperous-appearing young man. The conditions are all favourable for the accomplishment of the purpose for which the "cadet" began his attentions. The early teachings of the young girl are propitious for the consummation of her destruction. She is taught that obedience should be unquestioned, and that the word of the husband in the household is law. The "cadet" relentlessly uses these weapons which have been placed in his hands, and he soon finds himself in possession of this money-maker whose receipts will yield him ordinarily forty or fifty dollars a week. If the young girl succeeds in escaping from the house of prostitution, she prefers, in a majority of cases, to become a street-walker rather than to return home and to face the disgrace which awaits her there.

*Conditions in Tenement Houses.*—The revenue-producing power of the sale of immunity by the police seemed to make the appetite of the police insatiable. The infamy of the

private house, with all the horrors arising from the "cadet" system, did not satisfy official greed. The tenement houses were levied upon, and the prostitutes began to ply their trade therein openly. In many of these tenement houses as many as fifty children resided. An acquaintance by the children with adult vices was inevitable. Almost any child on the East Side in New York will tell you what a "nafke bias" is. The children of the tenements eagerly watch the new sights in their midst. The statistics of venereal diseases among children and the many revolting stories from the Red Light district tell how completely they learned the lessons taught them.

In the argument before the Cities Committee at Albany in April, 1901, the Chairman of the Committee of Fifteen presented certain statistics founded upon an inspection of 125 tenement houses in which prostitutes were known to reside and to ply their trade. This statement gave rise to violent attempts at refutation by prominent officials both at Albany and in New York City. An attempt was made to becloud the issue by statements of these officials that the virtue of the poor had been assailed by the Committee of Fifteen. Our then Police Commissioner, whose ignorance of conditions would have been humorous rather than pathetic were not the facts so serious, stated that there was not a disorderly tenement-house below Fourteenth Street; that he had lived in that neighbourhood for many years and knew what he was talking about. In spite of his vigorous denial, complaints were received by the Committee of Fifteen and evidence was easily collected against prostitutes in the street in which he himself resided.

In the work of the Committee of Fifteen, evidence was secured in over three hundred<sup>1</sup> separate disorderly apart-

<sup>1</sup> It is impossible with such a limited staff of workers as were employed by the Committee of Fifteen to approximate the number of prostitutes or houses of prostitution in New York City. The figures given represent

ments in tenement houses in the city of New York. Over two hundred of these tenants were removed under the new Tenement House Law which went into effect July 1, 1901. Authentic reports reached the Committee that many of the tenement-house prostitutes were retiring into private houses of prostitution.

It is certain that the houses of prostitution are not flaunting their wares upon the streets in the manner of a year ago. Street-walking is also far less frequent. A number of the more notorious dives have either changed hands or have closed their doors. The most widely known proprietor of houses of prostitution in New York City is now serving a term in prison upon evidence secured by the Committee of Fifteen. The proprietor of several of the lowest dives is at the present time a fugitive from justice, having forfeited his bail. Three police officers who were shown to have been in partnership with vice have already been convicted, and a half dozen are now awaiting trial. As a result of the whole movement the prospect for a reasonable control of the Social Evil in New York City is more favourable at the present time than it has been for many years.

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cases where corroborated evidence was secured by the Committee. There are no trustworthy statistics in existence covering the general question of the Social Evil in New York.



### PART III

THE PROGRESS OF THE MOVEMENT  
1902-1912



## CHAPTER I

### THE EUROPEAN MOVEMENT

IN the body of this book frequent references are made to the international conference held at Brussels, and many of the illustrations are taken from the discussions in that conference. Shortly after the first edition of this book appeared, a second conference was held, of still greater significance. It seems, therefore, eminently desirable to give some more information about these important conferences.

In order, however, to explain their origin, it is necessary to revert to the great struggle in England which was indirectly responsible for them. In the body of this work<sup>1</sup> several references are made to the English episode. As this has now been to a large extent forgotten, we shall attempt here-with a brief recital of the facts.<sup>2</sup>

<sup>1</sup> Pp. 101-105. See also pp. 68, 82.

<sup>2</sup> A good account of the movement is found in Benjamin Scott, *A State Iniquity: Its Rise, Extension, and Overthrow*. London, 1890. For the full title, see the Bibliography. A briefer work is *A Short Summary of the History of State Regulated Vice in the United Kingdom*. Compiled by the Friends' Association for abolishing State Regulated Vice. London, 1900. Cf. also in especial *Personal Reminiscences of a Great Crusade*. By Josephine E. Butler. London, 1876.

*I. The Repeal of the English Laws*

In 1862 a committee was appointed by the admiralty in London to inquire into the state of venereal disease in the army and navy, and to report upon the working of the regulation of prostitution in foreign ports. The committee reported against the introduction of the foreign system, but the contents of the report were not published. On June 20, 1864, Lord Clarence Paget, the secretary to the admiralty, introduced a "Bill for the Prevention of Contagious Diseases at certain Naval and Military Stations." It so happened that the public was at the time considerably exercised over the ravages of disease among cattle, and that parliament had passed various stringent acts under the title of "Contagious Diseases (Animal) Acts." When the new bill was introduced with the short title of "Contagious Diseases Prevention Act," 1864, the greater part of the public thought that it was another animals act. The bill received scarcely any discussion in parliament, and became a law on July 29, 1864. It provided, among other things, for the compulsory examination of these unfortunate women. The act was limited to three years, and applied to eleven military stations in Great Britain and Ireland. On June 11, 1866, it was continued, with two new features, namely, a register and a periodical examination, and it was

now extended to Windsor. In 1869, a select committee was appointed to consider the advisability of extending the operation of the act to London, and on a favourable report from this committee the law of August 11, 1869, was enacted, increasing the number of localities subject to the law to eighteen. During the same year the system was extended to most of the military settlements abroad, as well as to Canada, the Australian colonies, and British India.

At the very outset a note of opposition was sounded by Harriet Martineau in a series of leading articles in the *Daily News*. But it was not until the extension of the system to London that organised opposition made itself felt. In 1869, Miss Martineau wrote four more letters to the *Daily News* over the signature "An English-woman," and on New Year's day, 1870, a formal protest was drawn up and signed by a number of prominent women, including Harriet Martineau, Florence Nightingale, Mary Carpenter, and Josephine E. Butler. The protest, to which thousands of names were subsequently added, was as follows:

We, the undersigned enter our solemn PROTEST against these Acts:

1st. Because, involving as they do such a momentous change in the legal safeguards hitherto enjoyed by women in common with men, they have been passed not only without the knowledge of the country, but unknown to Parliament itself; and we hold that neither the represent-

atives of the People, nor the Press, fulfil the duties which are expected of them, when they allow such legislation to take place without the fullest discussion.

2d. Because, so far as women are concerned, they remove every guarantee of personal security which the law has established and held sacred, and put their reputation, their freedom, and their persons absolutely in the power of the police.

3d. Because the law is bound, in any country professing to give civil liberty to its subjects, to define clearly an offence which it punishes.

4th. Because it is unjust to punish the sex who are the victims of a vice, and leave unpunished the sex who are the main cause, both of the vice and its dreaded consequences; and we consider that liability to arrest, forced surgical examination, and (where this is resisted) imprisonment with hard labour, to which these Acts subject women, are punishment of the most degrading kind.

5th. Because, by such a system, the path of evil is made more easy to our sons, and to the whole of the youth of England; inasmuch as a moral restraint is withdrawn the moment the State recognises, and provides convenience for, the practice of a vice which it thereby declares to be necessary and venial.

6th. Because these measures are cruel to the women who come under their action—violating the feelings of those whose sense of shame is not wholly lost, and further brutalising even the most abandoned.

7th. Because the disease which these Acts seek to remove has never been removed by any such legislation. The advocates of the system have utterly failed to show, by statistics or otherwise that these regulations have, in any case, after several years' trial, and when applied to one sex only, diminished disease, reclaimed the fallen, or improved the general morality of the country. We have,

on the contrary, the strongest evidence to show that in Paris and other continental cities where women have long been outraged by this forced inspection, the public health and morals are worse than at home.

8th. Because the conditions of this disease, in the first instance, are moral not physical. The moral evil through which the disease makes its way separates the case entirely from that of the plague, or other scourges, which have been placed under police control or sanitary care. We hold that we are bound, before rushing into the experiment of legalising a revolting vice, to try to deal with the *causes* of the evil, and we dare to believe that with wiser teaching and more capable legislation, those causes would not be beyond control.

A ladies' national association was thereupon formed, with Mrs. Butler as the leading force. It was followed by a similar movement among the men, known in London as "The Metropolitan United Contagious Diseases Acts Association." The executive committee included John Stuart Mill, Professor Sheldon Amos, Jacob Bright, M. P., A. J. Mundella, M. P., Rev. Frederick D. Maurice, and many other eminent men. Similar associations were formed in other cities. Among the leading members were Professor Stuart, Professor F. W. Newman, Herbert Spencer, and John Morley. So vehement did the opposition now become that a Royal Commission was appointed at the close of 1870. This commission, however, brought in a rather non-committal report. The protestants now set to work vigorously to inaugurate a

national campaign. Owing to the difficulties of public discussion at the time the progress was at first slow. Various non-conformist religious organisations, like the Wesleyan, the Friends, etc., formed separate committees designed to secure the repeal of the Acts.

The Italian patriot Mazzini, the eminent Belgian economist de Laveleye, and the French poet Victor Hugo expressed their sympathy for the movement. Above all, the remarkable testimony of John Stuart Mill before the commission of 1870 was reprinted and spread broadcast.<sup>1</sup>

In 1875, an international association was formed in order to help the movement. By slow degrees and by dint of hard work, lavish expenditure, and numerous publications, most of which are noted in the bibliography at the end of this volume, public opinion was gradually influenced and won around. From year to year increasing minorities were obtained for the bills introduced to secure repeal. Finally, when Mr. Stansfeld moved on April 20, 1885, "that this House disapproves of the compulsory examination of women under the Contagious Diseases Acts," the motion was carried by a vote of 182 to 110. In the following year, the "Contagious Diseases Acts Repeal Bill" was passed without any opposition, becom-

<sup>1</sup> *The Evidence of John Stuart Mill taken before the Royal Commission of 1870 on the Administration and Operation of the Contagious Diseases Acts of 1866 and 1869.* 24 pp.

ing a law on April 16, 1886. Thus came to an end, probably for all time, the attempt to introduce into England the continental system of regulation.

## 2. *The International Abolitionist Federation*

Reference has been made above to the international association. This was formed on March 19, 1875, under the title of "The International Federation for the Abolition of State Regulation of Vice." The founding of the international federation was due, in great measure, to the medical congress of Vienna in 1873. At that time the almost universal opinion of physicians was favourable to the system of regulation or regulation, which always meant at least two things: the compulsory examination of prostitutes, and the registration or licensing of houses of ill-fame. For a long time the Belgian system was recognised as a model; and at the international medical congresses held in Brussels in 1852, in Paris in 1867, and in Florence in 1869, various propositions were advanced to extend this system throughout Europe and to make it uniform. Finally, the medical congress of Vienna, in 1873, passed a resolution demanding the prompt elaboration of an international law based on the Brussels system.

It was as an answer to this demand that the International Federation for the Abolition of

State Regulation of Vice was formed. The impulse came largely from the English combatants, and especially Mrs. Butler. Its headquarters were to be at Geneva, under the name of *Fédération Abolitionniste Internationale*, with national committees in the leading countries. Its object was declared to be the abolition of prostitution, especially regarded as a legal or tolerated institution. "Holding that the organisation of prostitution by public authority is a hygienic mistake, a social injustice, a moral monstrosity, and a judicial crime, the Federation endeavours to arouse opposition to the system and to secure its condemnation everywhere." The Federation condemns in its platform the attempt to make women bear the sole burden of the system. It maintains that the autonomy of the human being has its corollary in individual responsibility, and it declares that through the system of regulation in vogue the state upsets the very conception of responsibility. It declares that the state should limit itself in the domain of prostitution to the protection of minors, to the punishment of violence or fraud, and to the repression of public nuisances, and it contends that whatever laws are enacted be applied to men as well as to women. Finally, it emphasises the need of a study of constructive measures to diminish the moral and economic causes of this social plague.<sup>1</sup>

<sup>1</sup> *Statuts, "Fédération Abolitionniste Internationale,* Geneva March,

The International Abolitionist Federation holds annual conferences, the last having taken place in September, 1911, at Colmar in Alsace, where the regulation system was abolished twenty years ago. At intervals of every few years, moreover, the federation holds a more formal congress, in which it seeks to prepare the way for effective action. The first congress took place in Geneva, in 1877, and the tenth congress in the same city in 1908, the

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1875: "Art. 4—La Fédération révendique, dans le domaine spécial de la législation en matière de mœurs, l'autonomie de la personne humaine, qui a son corollaire dans la responsabilité individuelle.

"D'une part, elle condamne toute mesure d'exception appliquée sous prétexte de mœurs;

"D'autre part, elle affirme qu'en instituant une réglementation qui veut procurer à l'homme sécurité et irresponsabilité dans le vice, l'État bouleverse la notion de responsabilité, base de toute morale.

"En faisant peser sur la femme seule les conséquences légales d'un acte commun, l'État propage cette idée funeste qu'il y aurait une morale différente pour chaque sexe.

"Art. 5—Considérant que le simple fait de prostitution personnelle et privée ne relève que de la conscience et ne constitue pas un délit, la Fédération déclare que l'intervention de l'État en matière de mœurs doit se limiter aux points suivants:

"Punition de tout attentat à la pudeur, commis ou tenté contre des mineurs ou des personnes de l'un ou de l'autre sexe assimilées aux mineurs. Chaque législation particulière doit déterminer exactement la limite et les conditions de cette minorité spéciale.

"Punition de tout attentat à la pudeur accompli ou tenté par des moyens violents ou frauduleux contre des personnes de tout âge et de tout sexe.

"Punition de la provocation publique à la débauche et du proxénétisme, dans celles de leurs manifestations délictueuses qui peuvent être constatées sans prêter à l'arbitraire et sans ramener, sous une autre forme, le régime spécial de la police des mœurs.

"Les mesures prises à cet égard doivent s'appliquer aux hommes comme aux femmes.

intervening congresses being held in the various capitals of Europe.<sup>1</sup> At these congresses important papers were read, many of which have been published separately,<sup>2</sup> and were followed by interesting discussions. The federation also publishes a monthly bulletin which has a wide influence.<sup>3</sup>

National committees were soon formed in the different countries, and are to be found to-day in England, France, Germany, Switzerland, Austria, Netherlands, Sweden, Spain, and Norway. The most important of these committees are those of France, England and Germany. In France, among the most distinguished and active members have been M. Yves Guyot, at one time minister of commerce, Mme. G. Avril de Sainte-Croix, the most indefatigable supporter of the movement.

<sup>1</sup> "Toutes les fois que le proxénétisme tombe sous le coup de la loi, ceux qui paient les proxénètes et profitent de leur industrie doivent être considérés comme complices.

"La Fédération déclare donc que l'État ne doit ni imposer à une femme quelconque la visite obligatoire sous prétexte de moeurs, ni soumettre la personne des prostituées à un régime d'exception quelconque.

"Art. 6—Outre les questions qui sont en rapport direct avec le but spécial que poursuit la Fédération, celle-ci étudie scientifiquement la prostitution. Elle poursuit une enquête permanente sur les causes morales, économiques ou autres de cette plaie sociale, sur ses effets, sur les moyens d'y porter remède."

<sup>1</sup> The eleventh congress was to have taken place in Frankfort a./M. in 1911, but has been postponed to 1912.

<sup>2</sup> The most important of these will be noted in the bibliography at the end of this volume.

<sup>3</sup> *Bulletin Abolitionniste, Organe Central de la Fédération Abolitionniste Internationale.* Geneva, Switzerland. The accomplished Secretary of the International Federation is M. Henry Minod,

and M. Louis Fiaux, the most voluminous living writer on the subject.<sup>1</sup> The French committee does not publish a journal of its own, as the international journal is published in French and circulates in France. There is, however, a French League of Public Morality, which issues a periodical with a special supplement devoted to the abolitionist cause.<sup>2</sup> One of the important offshoots of the French committee is the so-called *L'Œuvre Libératrice*, or Rescue Home, which was founded in 1900 by Madame de Sainte-Croix under distinguished auspices, and which has extended its beneficent operations to many unfortunate women.<sup>3</sup>

In England after the death of Mrs. Butler the most prominent members of the committee were the Right Hon. James Stuart, Hon. Henry J. Wilson, M. P., Mr. W. A. Coote, and Dr. H. M. Wilson. The English committee publishes its own periodical, *The Shield*,<sup>4</sup> and issues a large

<sup>1</sup> For a complete list of Mr. Fiaux's contributions see the bibliography to this work.

<sup>2</sup> *Le Relèvement Social, Organe de la Ligue Française de la Moralité Publique*, edited by M. Louis Comte.

<sup>3</sup> *L'Œuvre Libératrice* publishes an annual pamphlet giving an account of its work. The record for the tenth year was published in 1911. During the decade of its existence 755 women have been put in hospitals or other establishments, and 1255 other women have been otherwise aided. Quite a goodly number of young girls who had been rescued in this way have now become industrious working women, good servants, and excellent mothers.

<sup>4</sup> *The Shield, the Official Organ of the British Committee of the International Federation for the Abolition of State Regulation of Vice*. This is a monthly, the present volume being volume xiii. of a new series.

number of pamphlets. In both the English and the French societies men have been equally interested with women.

In Germany, on the other hand, the society is composed more largely of women, and the male members, with the exception of a few distinguished physicians, consist chiefly of clergymen. The head of the German committee is Frau Katharina Scheven and its journal is called *Der Abolitionist*.<sup>1</sup> The German committee, however, has no less than eighteen branches in the most important German cities, and holds interesting annual conferences. The last meeting took place at Dresden in June, 1911, and devoted especial attention to the evils of the so-called *Animier-Kneipen*, or drinking places, which are open all night and are served by young women who are supposed to amuse the customers, to drink with them, and incite them to drink more. The German branch also publishes a large number of tracts and monographs which are now beginning to produce some influence.

In the other European countries, each of the branches is doing effective work and furnishes every year fresh and distinguished recruits to the cause of abolitionism.<sup>2</sup> The greater part of

<sup>1</sup> *Der Abolitionist. Organ des Deutschen Zweiges der I. A. Föderation.* Herausgegeben und begründet von Katharina Scheven. This is published in Dresden, and is now in its tenth volume.

<sup>2</sup> A complete list of all the periodicals in other countries that are in

the reform movement described in the following sections is due directly or indirectly to the unceasing efforts and the continual vigilance of the international association. The real meaning of the movement can best be summarised in the following recent words of an eminent British physician:

"The Abolitionist Federation has always been convinced of the futility of regulation as a hygienic measure, a conviction which is now shared by most of those whose experience entitles them to speak with authority. But the Federation goes further, and maintains that regulation is not merely futile, but mischievous; that its tendency is to aggravate the evils which it is designed to prevent. It does not fulfil the first conditions of sound prophylaxis; it does nothing whatever to check the *causes* of disease; on the contrary, it tends, in greater or lesser degree, to foster those habits of thought and action which are the source of disease. It may exist side by side with efforts to diminish vice by raising the moral tone, by inculcating self-control, by spreading knowledge as to the dangers of disease, or by providing counter attractions; but it can never assist those efforts and tends rather to divert attention from them and to weaken them.

"The knowledge that the authorities try to

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harmony with the work of the International Federation is published in its monthly *Bulletin*.

provide safety in indulgence maintains on the part of young men a false confidence which the more diffused knowledge of the dangers of disease would otherwise counteract; moreover, it bolsters up the belief that sexual indulgence is necessary for a man's health. Nowadays every medical man knows that this belief has no foundation, but it lingers persistently among the uneducated, who are apt to regard the continued existence of government 'protection' as a proof of the necessity. In every way regulation works to undermine that resolute and purposeful self-control which is the only reliable safeguard.

"In many quarters there is a curious misapprehension on the objects and motives of abolitionists. They are supposed to object to regulation on some obscure theological ground, or with the fantastic idea that venereal disease being a punishment for sin ought to be encouraged. Nothing is farther from the truth. Abolitionists believe that all diseases should be treated, that all sufferers should be cared for, and, if possible, cured, and that reasonable precautions should be taken to prevent the spread of disease. But regulation is not a reasonable precaution; firstly, because it deals only with a particular section of infected persons, leaving a much larger number at liberty to spread the contagion; and secondly, because it fosters the immorality which is the ultimate cause of disease.

"More than thirty years ago, when the majority of the medical profession were solidly in favour of regulation, the International Abolitionist Federation was founded to combat a system which is based on injustice, and which, wherever it exists, lowers respect for women, and undermines the foundations of personal liberty. The Federation maintains that the basis of hygienic legislation as of all other legislation must be righteousness, and that if founded on any other basis failure is inevitable; the progress of medical science has justified this contention. This Federation is not, and never has been, primarily an organisation for promoting hygiene. Its business is to secure the abolition of an immoral and unjust system. But it claims that by destroying reliance on a false system it has cleared the way for the discovery of better methods for dealing with the curse of prostitution and its attendant evils."<sup>1</sup>

### 3. *The Brussels International Conferences*

The system of regulation in Brussels was, as stated above, long considered a model. At the end of the seventies, however, a series of most outrageous scandals occurred, showing an astounding condition of corruption among police officials, and direct complicity between the chief of police and

<sup>1</sup> *Notes on Administrative Measures against Enthetic Disease.* By H. M. Wilson, M.D. London, 1910.

the houses of ill-fame. These revelations which confounded all Europe, somewhat abated the zeal of the enthusiasts for the Brussels system, and doubts now began to be heard. The subject was energetically taken up by the international federation, and during the nineties a distinguished Belgian specialist, Dr. Dubois-Havenith, organised a committee to arrange for an international conference to consider the whole problem of regulation. The conference was held in Brussels, in 1899, under the presidency of the Belgian Minister of Health and the Burgomaster of Brussels. It was composed of 360 members, representing 33 nationalities, 107 being government delegates and 295 being distinguished physicians. In order that the discussions might not wax too warm, however, some of the extreme abolitionists, like M. Yves Guyot, were not invited. The Brussels conference lasted five days and considered six questions, which were as follows:

1. Have the systems of regulation now in force had any influence upon the prevalence of disease?
2. Is the present organisation of medical supervision susceptible of improvement?
3. Is it desirable, from a medical point of view, to maintain or to suppress the licensed houses?
4. Can the administrative organisation of police supervision be improved?
5. By what legal measures can the number of

women earning their living by immorality be diminished?

6. What preventive measures bearing on the population generally are to be recommended?<sup>1</sup>

The chief discussion centred around the first question. Although the regulationists, or reglementationists, were naturally in the great majority, the most significant occurrence in the entire congress was that the physicians were no longer, as a generation before, unanimous in their opinion. In fact some of the most prominent continental as well as English physicians now utterly denied the value of regulation, and even the medical advocates of regulation conceded that entirely too much had been claimed for it. The very first morning was one of surprises, for three out of the first four speakers—all prominent continental physicians—condemned the existing system.

<sup>1</sup> The official report is published in six large volumes of some 3000 pages, under the following title: *Rapports, Enquêtes, et Compte Rendu des Débats de la Conférence Internationale de Prophylaxie des Maladies Vénériennes*. Publiéés par le Dr. Dubois-Havenith, agrégé à l'Université de Bruxelles, Secrétaire-général de la Conférence. T. I. Première partie, *Rapports Préliminaires*; Seconde partie, *Enquêtes sur l'État de la Prostitution et la Fréquence de la Syphilis et des Maladies Vénériennes dans les différents Pays*; T. I., Appendix, *Communications relatives aux six Questions à l'Eude*.—T. II.: Première partie, *Compte Rendu des Séances*; Seconde partie, *Appendice aux Enquêtes et Communications Documentaires*. H. Lamertin, edit., Bruxelles, 1899–1900.

An excellent, full, and critical account of the Congress will be found in Louis Fiaux, *L'Intégrité Intersexuelle des Peuples et des Gouvernements*. Paris, 1910, 811 pp. A very abbreviated account in English will be found in *Preventive Hygiene. The International Conference at Brussels, Sept., 1899. By one who was there*. London, 1900.

These were Dr. Blaschko of Berlin, Dr. Augagneur, of Lyons, and afterwards governor-general of Madagascar, and Dr. Barthélemy, one of the medical chiefs of St. Lazare, the great hospital prison in Paris. Perhaps the most distinguished member of the congress, Professor Fournier, the head of the French delegation, who still declared himself an advocate of the system, conceded that it did very little good. "You ask me," he said, "am I content with the regulation as it is? No, I am not. Yet I approve it, yes, because it does a little good ('un peu de bien'). It controls but a small number of women, but at least it controls those few." In addition to the physicians who had now become skeptical of the whole scheme, there was a small band of abolitionists pure and simple, whose speeches were marked by conspicuous ability and restraint. One of the most impressive speeches was made by a Dutch delegate who, referring to the plea of Professor Fournier that they be allowed to do "a little good," pointed out that in order to do this "little good" they were compelled to do incalculable harm.

On the main question of state regulation, opinions were so divided that the conference was unable to adopt any resolution. On the other points, however, it was possible to secure unanimous approval for the following recommendations:

1. That the governments should use their

utmost efforts to suppress the prostitution of girls under age.

2. That a permanent international society of sanitary and moral prophylaxis (prevention) should be constituted, with its headquarters in Brussels; that it issue a quarterly journal in French, English, and German; and that it hold congresses from time to time, the next congress to meet at Brussels, in 1902.

3. That complete and compulsory courses of instruction in venereology should be instituted in every university.

4. That all those charged with the education of the young should use every effort to promote their moral development and to teach them temperance and respect for women of all classes.

5. That the utmost rigour of the law should be enforced against *souteneurs* (that is, men who live upon the earnings of prostitutes, and who in New York are ordinarily called "cadets.")

6. That the government should appoint in each country a commission to study the best means of preventing the dissemination of venereal diseases.

7. That the governments should find means to warn the public, and especially young persons, of the dangers attending an immoral life.

8. That the statistics of disease should be drawn up in all countries on a common basis.

As most of the important points brought out

in the first Brussels conference have been touched upon in the body of this book, we may pass them by here. The general impression created by the discussions may be inferred from the statement of an American delegate, to one of the German doctors: "We are waiting to see how you get on in Europe," said he. "After a hundred years of it you do not seem much better off than ourselves. At present we are not much tempted to copy you." A few weeks later Professor Fournier read a paper at the Paris Academy of Medicine, in which he pointed out "the inadequacy of the whole system of our administrative measures. Without ignoring their advantages (which would be an ingratitude and an error), we must admit their insufficiency. I will add that they are likely to become even less useful as time goes on." And even Professor Neisser, the distinguished German advocate of regulation, said: "The question of prostitution is essentially and primarily a man's question, rather than a woman's question. I personally do not believe in the alleged physical necessity argument, nor in the harmfulness of abstention."

Shortly after the disbanding of the Brussels conference the International Society of Sanitary and Moral Prophylaxis was founded. Its quarterly Bulletins, which have continued to this date, abound in the most interesting and valuable discussions. National societies with the same name were now also instituted. France, under

the leadership of Professor Fournier, was the first to have its own society, founded in 1900.<sup>1</sup> The United States, as we shall see later on,<sup>2</sup> followed before long under the leadership of Dr. Prince A. Morrow, who was one of the sixteen American members of the first Brussels conference.

In September, 1902, the second conference, provided for in the second resolution above, was held, again in Brussels and under the same auspices as before.<sup>3</sup> Perhaps the most significant difference was the presence of a larger number of invited abolitionists, and especially M. Yves Guyot, who took a prominent part in the discussion. The abolitionist movement was now headed by four leading Paris doctors; Dr. D. Gailleton, the head of the French government delegation, Dr. Gaucher, the successor of Professor Fournier, Dr. Queyrat, the head of one of the leading hospitals, and Dr. Landouzy, who represented the French ministry of public instruction. These physicians condemned the existing system as absolutely valueless ("Il ne

<sup>1</sup> As to the admirable work accomplished by the French society see the article by Dr. Keyes in *Transactions of the American Society of Sanitary and Moral Prophylaxis*, vol. i. (1906), pp. 80 et seq.

<sup>2</sup> Page 222 *infra*.

<sup>3</sup> The proceedings of this conference were published in two large volumes under the title of *Seconde Conférence Internationale pour la Prophylaxie de la Syphilis et des Maladies Vénériennes, sous le patronage du Gouvernement Belge (Septembre, 1902)*. Publié par le Dr. Dubois Havenith, Secrétaire-général. 2 thick volumes, not paged consecutively. Tome premier, *Rapports Préliminaires*; Tome second, *Compte Rendu des Séances*. Henri Lamertin, éditeur, Bruxelles, 1902-1903.

sert absolument à rien") and moved a resolution that it ought to be abandoned. Of course, it was impossible to hope for unanimity on such a resolution and it was therefore withdrawn. Much new material was now presented and some admirable reports were made, especially on the problems of individual prophylaxis.

Professor Neisser, the distinguished German specialist, presented a scheme for what soon came to be called Neo-regulation, a regulation through a standing sanitary commission with plenary powers to place all patients, male and female, under medical supervision, and to compel obedience to all the restrictions imposed. But the conference refused to consider it seriously. There is no doubt that the current against any form of regulation which involved compulsory examination was flowing more and more strongly.

The debates were largely an echo of those in the preceding conference and at the close several resolutions were unanimously passed. The most important of these were the following:

1. That all persons suffering from venereal maladies should have easy access to gratuitous treatment, with no unnecessary publicity.
2. That prostitutes suffering from venereal maladies ought to be considered not as criminals but as patients.
3. That all military recruits should receive printed instructions of the danger of disease, and

should take these with them when they leave the service.

4. That the most important and most effectual means for combating the diffusion of venereal maladies consists in widespread information as to the importance of these maladies and the very grave dangers attending them. It is especially necessary to teach young men not only that chastity and continence are not injurious, but that these practices are wholly recommended from the medical point of view.

This last resolution—the unanimous pronouncement of all the physicians present—that chastity is not injurious to young men, but on the contrary beneficial—is one of extraordinary significance.

Before the conference met, it had been intended to hold a third congress within a few years. Now, however, it was decided that during the next decade or two probably the best work could be done by the separate national committees formed or to be formed and each working in its own country.

If we were to sum up the results of the two Brussels conferences, the conclusion would be that they were more important from the negative than from the positive point of view. It had originally been hoped especially by the "reglementationists" that some form of international regulation might be proposed. It was soon recognised, however, that any attempt to spread

the existing system of regulation was hopeless. From this point of view the conclusions of the conferences were essentially negative. On the other hand, the emphasis was laid, in all the discussions and in many of the resolutions, upon constructive methods of dealing with the problem, not indeed through "reglementation," but in other ways that would be in consonance with modern social and moral demands. Taking it all in all, therefore, the Brussels conferences showed the beginning of a decided change of heart on the part of the continental thinkers, and in this way marked a decided step in advance in the solution of the problem.

#### 4. *The French Extra-Parliamentary Commission*

The Brussels conferences, as we have seen, brought about a distinct change not only in public opinion, but also in medical opinion in France, as to the excellence of their long-continued policy of regulation. Now, in the early years of the new century, confidence in the system was still more rudely shattered by some outrageous mistakes on the part of the Morals Police, both in Paris and in Rennes. As a result of the interpellations in Parliament on these outrages, an Extra-Parliamentary Commission was appointed on July 18, 1903, to consider the whole subject. It was composed of about seventy-five members,

deemed to represent the various classes of experts. About one third of the members were legislators, that is senators and deputies; another third was composed of important administrative officials connected with the government departments, as well as some important prefects and mayors; and the remaining third comprised about a dozen of the foremost physicians and about the same number of publicists and professors of social economy, including M. Yves Guyot, Professor Gide, and Mme. Avril de Sainte-Croix. The sessions lasted almost three years and were full of the most interesting discussions.<sup>1</sup>

In order to insure absolute impartiality, preliminary reports were invited from the leaders of the two parties—those who still believed in the policy of regulation and those who were opposed to it. The argument in favour of regulation was presented by Professor Fournier, the opposed argument by M. Augagneur, who later became a member of the

<sup>1</sup> The most convenient account of the labours of the commission will be found in the report by the secretary: *Rapport Général sur les Travaux de la Commission Extraparlémentaire du Régime des Mœurs*, Présenté par M. F. Hennequin, Sous-Directeur au Ministère de l'Intérieur, Secrétaire-général de la Commission. Melun, Imprimerie Administrative, 1908, 4to, 285 pp.

There was also a thick volume of *Annexes au Rapport Général* giving all the important reports presented to the commission. A critical and full study of these reports was made by M. Louis Fiaux, one of the members, in a three-volume work entitled *La Police des Mœurs devant la Commission Extraparlémentaire du Régime des Mœurs*. Vols. i. and ii., each of 1000 pages, were published in 1907; volume iii., a book of 744 pages, was published in 1910.

French cabinet of 1911. Each report was followed by long discussions.

Although the abolitionists were originally in the minority, the force of the arguments and the facts presented by them was such that at the end of its deliberations the commission voted by a considerable majority that the entire system of regulation, as practised in France, was so defective, and on the whole so immoral, that it ought to be entirely abandoned. Thus, after an experience of more than a century, the French experts came to the conclusion that the whole *régime des mœurs* had outlived its usefulness. The importance of this pronouncement cannot well be overestimated.

The commission, however, was not satisfied merely with negation. It considered somewhat at length the so-called neo-regulation scheme and the Scandinavian scheme. The neo-regulationist proposals were, in short, as follows: abolition of compulsory registration except after a proper trial and judicial decision; the appointment of women as police and as doctors; the prohibition of the sale of intoxicants in disorderly houses; the exclusion of minors from these houses; and the prohibition of licensed houses. The neo-regulation scheme, however, was considered to be an unsatisfactory modification of the present system, and was not approved.<sup>1</sup>

<sup>1</sup> A fuller discussion of neo-reglementation will be found in a mono-

The Scandinavian scheme had for its chief feature the placing of venereal diseases among the infectious diseases for which compulsory notification is required, and which the law insists upon placing under proper medical treatment, with the imposition of penalties for neglect.

The system which the commission finally recommended was what it called "indirect" regulation. It provided for a careful organisation for the treatment of disease, with the exclusion of all one-sided provisions affecting only women. It included provisions for protecting minors from corruption, and comprised also a general scheme of education in sexual matters. It prohibited all tolerated or licensed houses and recommended punishment for all incitement to immorality, or what it called "public provocations to debauchery" and for all infractions of public order. Finally, it recommended some important provisions for the prophylaxis of venereal diseases. As the secretary put it in his report, summing up the general conclusions: "In suppressing a century-old system

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graph written by Mr. B. Leppington, of London. The official French edition is *Le Néo-Réglementarisme. Ses Principes, son Application, ses Perspectives*. Published at Geneva, 1904, by the International Abolitionist Federation.

A most remarkable suggestion was made by Dr. Sperk of St. Petersburg, who proposed that there be two classes of houses, one where certified healthy women might be found, and to which none but healthy men should resort; another to be occupied by infected women, to which infected men might go. This monstrous proposition, of course, received no consideration whatsoever.

which is not unanimously condemned, and in objecting to any form of regulation as such, the commission has not sacrificed important interests to any ideal of justice, nor has it accomplished an utterly destructive work. On the ruins of the old system, in fact, it has built a new, in recommending, with the greatest care, all those measures, which are deemed necessary and adequate for the defence of public order and for the maintenance of public health."<sup>1</sup>

The first fruit of the work of the extra-parliamentary commission was the law of 1908, designed to afford more adequate protection to young girls under eighteen. The main recommendation of the report—namely, the complete abolition of the whole system of *régime des mœurs*—was not so easy to accomplish. The matter has been taken up several times in Parliament, but public opinion is not yet sufficiently educated to force the contest to a victorious issue. So strong is the opposition to any sudden break with methods that have lasted for over a century, and so obstinate are the administrative forces arrayed against any such complete overthrow, that it will probably take a somewhat longer period of agitation and education before France abandons her present methods. But the battle has been at least half won when a majority not only of the leading

<sup>1</sup> *Rapport Général*, p. 269.

French physicians but also of the most important administrative officials have recognised that their present system does more harm than good. It is only a question of time before the opinion of the expert minority will become the public opinion of the great majority. It must not be forgotten that in England it took an agitation of almost twenty years to overcome a system which had been in operation only a few years before the opposition began. In France we have to deal with a method which has been in force for over a century, and which has spread to the entire European continent, and to other continents as well. But the remarkable and unexpected conclusions of the extra-parliamentary commission have given fresh hope to the defenders of liberty and to the advocates of moral and social progress. Two members of the French government in 1911, M. Cruppi, minister of justice, and M. Augagneur, minister of public works, were abolitionists; a parliamentary group of not less than eighty abolitionists was formed in 1911; and we are told that "all the great chiefs of the medical faculties and all the important heads of hospitals have now become converted to abolitionism."<sup>1</sup> It is, thus, perhaps not too much to say that the beginning of the end can already be discerned.

If, therefore, we sum up the movement of the

<sup>1</sup> See the report at the Colmar Congress, 1911.

last few decades in Europe, we find that considerable progress has been made. In Sweden the change of opinion has been scarcely less marked than in France. In 1903, after the second Brussels conference, Mr. Otto Westerberg and Mr. Hugo Tamm, who had been converted to abolitionism, persuaded the Swedish parliament to ask the King to appoint a royal commission to study the subject. The commission was formed with nine members, seven of whom were regulationists. During the course of the discussion, however, all seven were converted to the other side. After several years' work the commission made its report in 1911. The members unanimously agreed in recommending an abandonment of the existing system of regulation, while their constructive recommendations included the compulsory notification of venereal disease, and the subjection of confirmed prostitutes to the provisions of the law governing vagrants.<sup>1</sup>

In Norway and Denmark the *police des mœurs* has been abolished, and while some of its powers have been transferred to the ordinary police, the provision with reference to compulsory treatment has become a dead letter.<sup>2</sup>

<sup>1</sup> The report is published in four large volumes, edited by the secretary, Dr. Carl Malmroth. A short account will be found in the *Bulletin Abolitionniste* for February, 1911.

<sup>2</sup> Professor Erik Pontoppidan, *What Venereal Diseases mean, and how to prevent them* (1909). For the changes instituted in Denmark and in Norway, see *The Shield* for June, July, and August, 1911.

In Italy a complete system of gratuitous treatment in dispensaries for all venereal patients, that was developed in the eighties and the nineties, paved the way for the abolition of the entire system of police control over women. In 1904, this system was rescinded by administrative ordinance on the ground that "every sort of direct compulsion for the ascertainment and cure of venereal diseases is injurious to public prophylaxis, as it increases the number of persons impelled to conceal their malady and to avoid the means of cure." But some features of the old system are preserved in the *Regolamento sul Meretricio* in that the government still recognises tolerated houses. The inmates, however, are entirely free to leave at any time.<sup>1</sup>

In Germany, with its fondness for administrative regulation of every kind, the abolitionist movement has made perhaps less headway than anywhere else, although not a few prominent physicians and officials have now been brought around to the other side;<sup>2</sup> and more recently several of the national organisations, like the evangelical

<sup>1</sup> See *Fédération Abolitionniste. Dixième Congrès tenu à Genève les 7-11 Septembre, 1908. Compte Rendu des Travaux.* Geneva, 1909, p. 283.

<sup>2</sup> A good indication of the prevalent view in Germany may be found in the two articles by Kurt Woltzendorff, entitled "Polizei und Prostitution; eine Studie," in the *Zeitschrift für die Gesammte Staatswissenschaft*, vol. lxvii, 1911, Erstes und Zweites Heft. It is significant, however, that Dr. Woltzendorff desires to have the regulations apply to men as well as to women.

association and the white slave committee, to be mentioned in the next chapter, have been converted to the abolitionist point of view. The controversy between the "regulators" and the "abolitionists" has become a bitter one, with much exaggeration on both sides.<sup>1</sup>

In Germany, however, excellent constructive work has been accomplished by the Society for the Prevention of Venereal Diseases, which was founded in 1902. Far better facilities have been provided for venereal patients, chairs for the teaching of venereology have been established in the universities, courses in sex pedagogy have been instituted in the high schools, and millions of leaflets have been issued to enlighten the public on the dangers. The result has been a complete change of front in the attitude of the periodicals and the daily press to the subject.

In far-away Australia, also, a commission has recently been instituted in the state of Victoria to investigate the subject; and as a result syphilis was made a notifiable disease in May, 1911. The government now proposes to bring in a bill providing for accessible treatment for those afflicted with venereal diseases, and to inaugu-

<sup>1</sup> An excellent summary of the opposing arguments will be found in *Freiheit oder gesundheitliche Ueberwachung der Gewerbsunzucht. Eine zeitgemäße Betrachtung*. Von Dr. med. Gaston Verberg. Munich, 1907. Cf. the article by Dr. Henry B. DeForest, in *Transactions of the American Society of Sanitary and Moral Prophylaxis*, vol. ii., 1908, pp. 141 et seq.

rate a campaign of public education on the whole question.

Even in Japan, where the celebrated segregated quarter, the Yoshiwara, was destroyed by fire a year ago, a movement has been inaugurated, with the co-operation of no less important a personage than ex-Premier Count Okuma, to abolish the system of government regulation. A new society, called the *Kakusei Kai*, is now vigorously at work and is publishing its own journal. Thus, slowly but surely, breaches are being made in the solid ranks of those who, until a generation ago, had no doubt as to the effectiveness and beneficence of regulation.

## CHAPTER II

### THE WHITE-SLAVE TRAFFIC IN EUROPE AND AMERICA

So far as we can learn, the term "White Slaves," in its present connotation, is due to Victor Hugo. In the English labour struggle of the thirties, when the anti-slavery movement in the colonies was coming to a head, some of the labour leaders used the term "White Slavery" to designate the condition of the factory operatives in Great Britain. The term spread to the United States, where a work on the subject was published in 1853.<sup>1</sup> After the enactment of the ten-hour factory law, however, this term fell into disuse. But in 1870, in a letter written to Mrs. Josephine Butler, to cheer her in the struggle against the Contagious Diseases Acts, Victor Hugo wrote: "The slavery of black women is abolished in America; but the slavery of white women continues in Europe."<sup>2</sup> It was not long before the phrase became common in this newer connotation.

<sup>1</sup> *The White Slaves of England, compiled from Official Documents.* By John C. Cobden. Auburn, Buffalo, and Cincinnati, 1853. 498 pp.

<sup>2</sup> Josephine E. Butler, *Personal Reminiscences of a Great Crusade*, 1896, p. 7.

*I. The White-Slave Traffic in Europe*

The existence of an organised traffic to supply houses of ill-fame was for a long time neither suspected nor acknowledged. The earliest inkling of such a nefarious traffic came to the ears of the public at the time of the first congress of the international abolitionist federation at Geneva, in 1877. It was there pointed out that under the pretext of providing governesses or maids for private families in Austria and Hungary, sometimes whole carloads of young women were being sent by different agencies to recruit the houses of ill-fame. So great, in fact, did the scandal become that in 1875 certain Swiss cantons formed an agreement designed to check the traffic, but without much result. A few years later similar scandals arose in Brussels, and the complicity of the chief of police in the matter was proven.<sup>1</sup> The matter was taken up at the second congress of the international federation at Geneva, in 1880, at which Mrs. Josephine Butler delivered a remarkable address. After some discussion the following resolution was adopted:

“The Second Congress after having acquired proof of the fact that there exists a wide and permanent traffic designed to keep alive legalised prostitution in Belgium and elsewhere;

“Convinced by the facts brought to its attention

<sup>1</sup> See above, pages 177-178.

that the *police des mœurs* contributed in certain cases in no small measure to this traffic;

"Approves of everything that has thus far been done by the Federation in its endeavour to repress this international traffic, and instructs the executive committee to proceed energetically along the same line."

In the ensuing conventions held at London in 1881 and at Neuchâtel in 1882 this matter again formed the centre of discussion, and memoirs on the subject were published by several writers. At the third international congress held at The Hague, in 1883, attention was called to the correspondence between the Dutch lower house and the former minister of justice, M. Modderman, who had proposed an international conference on the subject. In the following year, however, a far wider public was reached. In England, after the Contagious Diseases Acts had been repealed, a movement was initiated to add an amendment to the criminal law designed to afford more adequate protection to young girls; and when the disclosures were made by Messrs. Dyer and Gillett as to the Belgian abuses<sup>1</sup> and the traffic in young women between Belgium and England, a commission was appointed. Although the commission reported in favour of some amendment of the criminal law, nothing was done by Parliament.

<sup>1</sup> See above, p. 177.

It was now that Mrs. Josephine Butler and Mrs. Booth, of the Salvation Army, approached Mr. W. P. Stead, the editor of the *Pall Mall Gazette*, and begged him to publish a complete exposure of the facts as they existed in London. Mr. Stead investigated the subject and, in 1885, stirred all England by the graphic account that he published in his paper. The public outcry was so loud and vehement that it led to the passage of a Criminal Law Amendment Act, and to the indictment and conviction of the famous Jeffries. At the congress of London, in 1886, the subject of an international agreement was further considered. The first successful attempt in this direction was realised on December 18, 1886, when Belgium and Holland contracted a treaty, each delegating the other to aid in suppressing the traffic. At the succeeding conferences at Lausanne, in 1887, and at Copenhagen, in 1888, the matter was again brought forward. It was now that Mr. William Alexander Coote reported to the conference the creation of the British National Vigilance Association, of which he was secretary, and which was formed especially to combat the white-slave traffic. Mr. Coote recommended the institution of similar societies elsewhere.<sup>1</sup> At the end of 1888, the Netherlands and Austro-Hungary entered

<sup>1</sup> The British association soon began the publication of a monthly periodical, *The Vigilance Record*, which is still edited by Mr. Coote. The head office is at St. Mary's Chambers, 161a Strand, London.

into a treaty similar to the existing treaty between Belgium and the Netherlands. Passing over the intervening years, the matter was taken up anew in 1895, by the international prison congress, at Paris, which went on record as demanding an international commission to study the whole subject. Partly as a result of this recommendation but chiefly owing to the indefatigable efforts of Mr. Coote, the secretary of the British National Vigilance Society, arrangements were made for the holding of an international congress.<sup>1</sup>

The first international congress for the suppression of the white-slave traffic was held in London, in June, 1899, with 120 delegates from various nations. Important speeches were made by Sir Percy Bunting, the editor of the *Contemporary Review*, and by many other distinguished persons. Resolutions were adopted for a permanent organisation, to be known as the International Congress and to be composed of the national committees, of which there should be one in each country. The representatives from each national committee were to form the international committee, and the management was to

<sup>1</sup> In a work entitled *A Vision and its Fulfilment, being the History of the Origin of the Work of the National Vigilance Association for the Suppression of the White-Slave Traffic. With a record of visits paid to the capitals of Europe, America, Egypt, and South Africa for the purpose of organising national committees for the suppression of the traffic* (London, 1911), Mr. Coote gives a graphic account of his remarkable success.

be entrusted to an international bureau of five (later seven) members.

The international committee now set to work vigorously and in the next few years a number of conferences and congresses were held—the second international congress at Frankfort a./M. in 1902, the second preliminary conference at Zürich, in 1904, and the third international congress at Paris, in 1906. The preliminary conferences always prepared the way for the subsequent more formal congresses where reports were made and resolutions adopted. In the meantime the governments of the various countries themselves had been awakened by their national committees to the necessity of action, and in 1902 an international congress was called to meet in Paris that year. At the Paris congress fifteen European states were represented by official government delegates. It did not take long for the main lines of an international treaty to be framed, but it was thought best to defer the signing of the treaty until after each of the signatory powers could have an opportunity to study the problem in detail. The matter was therefore adjourned for two years. When the official congress reconvened in 1904, an international treaty for the suppression and prevention of the white-slave traffic, binding the signatory powers to unite in the various measures that were taken, was signed on May 18, 1904, by the representatives of thirteen states. These

were France, Germany, Great Britain, Italy, Russia, Sweden, Denmark, Belgium, Holland, Spain, Portugal, Norway, and Switzerland; a little later Austro-Hungary and Brazil signified their adhesion to the treaty.<sup>1</sup>

<sup>1</sup> The terms of the International White Slave Treaty are as follows:

Article 1. Each of the contracting governments agrees to establish or designate an authority who will be directed to centralise all information concerning the procuration of women or girls with a view to their debauchery in a foreign country; that authority shall have the right to correspond directly with the similar service established in each of the other contracting states.

Article 2. Each of the governments agrees to exercise a supervision, for the purpose of finding out, particularly in the stations, harbours of embarkation, and on the journey, the conductors of women or girls intended for debauchery. Instruction shall be sent for that purpose to the officials or to any other qualified persons, in order to procure, within the limits of the laws, all information of a nature to discover a criminal traffic.

The arrival of persons appearing evidently to be the authors, the accomplices, or the victims of such a traffic will be notified, in each case, either to the authorities of the place of destination or to the interested diplomatic or consular agents, or to any other competent authorities.

Article 3. The governments agree to receive, in each case, within the limits of the laws, the declarations of women and girls of foreign nationality who surrender themselves to prostitution, with a view to establish their identity and their civil status and to ascertain who has induced them to leave their country. The information received will be communicated to the authorities of the country of origin of the said women or girls, with a view to their eventual return.

The governments agree, within the limits of the laws and as far as possible, to confide temporarily and with a view to their eventual return, the victims of criminal traffic when they are without any resources, to some institutions of public or private charity or to private individuals furnishing the necessary guarantees.

The governments agree also, within the limits of the laws, to return to their country of origin, those women or girls who ask their return or who may be claimed by persons having authority over them. Return will be made only after reaching an understanding as to their

In each of the signatory states national committees have been formed in order to second the efforts of the respective governments.<sup>1</sup> In

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identity and nationality, as well as to the place and date of their arrival at the frontiers. Each of the contracting parties will facilitate the transit on its territory.

The correspondence relative to the return will be made, as far as possible, through the direct channel.

Article 4. In case the woman or girl to be sent back cannot herself pay the expenses of her transportation and has neither husband, nor relations, nor guardians to pay for her the expenses occasioned by her return, they shall be borne by the country on the territory of which she resides, as far as the nearest frontier or port of embarkation in the direction of the country of origin, and by the country of origin for the remainder.

Article 5. The provisions of the above articles 3 and 4 shall not infringe upon the provisions of special conventions which may exist between the contracting governments.

Article 6. The contracting governments agree, within the limits of the laws, to exercise as far as possible a supervision over the bureaus or agencies which occupy themselves with finding places for women or girls in foreign countries.

Article 7. The non-signatory states are admitted to adhere to the present arrangement. For this purpose, they shall notify their intention, through the diplomatic channel, to the French government, which shall inform all the contracting states.

Article 8. The present arrangement shall take effect six months after the date of the exchange of ratifications. In case one of the contracting parties shall denounce it, that denunciation shall take effect only as regards that party and then twelve months only from the date of the said denunciation.

Article 9. The present arrangement shall be ratified and the ratifications shall be exchanged at Paris, as soon as possible.

In faith whereof the respective plenipotentiaries have signed the present agreement, and thereunto affixed their seals.

Done at Paris, the 18th May, 1904, in single copy, which shall be deposited in the archives of the Ministry of Foreign Affairs of the French Republic, and of which one copy, certified correct, shall be sent to each contracting party.

<sup>1</sup> A complete list of these national committees, with the name and

Spain the matter was even taken up by the throne and a *Patronato Real* was formed under the highest official auspices to aid. Notwithstanding the treaty, however, the organised traffic seemed to increase rather than diminish, and as a consequence the international abolitionist federation, which, after giving the original impetus to the whole movement, had left the matter in the hands of the English vigilance committee and the international committee, now again took up the subject with energy. It decided to devote its international congress at Geneva in 1908 entirely to this topic. In the proceedings of that congress,<sup>1</sup> will be found most valuable reports showing that in most of the continental states, at least, there is a very close relation between the white-slave traffic and the special Morals Police, and that this police force, which is a necessary adjunct to the system of state regulation of vice, has actually become a part of the white-slave system.

Partly as a result of the Geneva congress of the international abolitionist society, and partly owing to the inauguration of the *Patronato Real* in Spain, a third preliminary international white-slave conference was held in Vienna in

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addresses of the secretaries, will be found in Coote, *A Vision and its Fulfilment* (1911), p. 165.

<sup>1</sup> *Fédération Abolitionniste Internationale. Dixième Congrès tenu à Genève les 7-11 Septembre, 1908. Compte rendu des Travaux.* Geneva, 1909, 407 pp.

October, 1909, to prepare for a great international congress, to be held in Madrid in 1910. The discussions in Vienna were participated in by representatives of sixteen nations, and occupied three days,<sup>1</sup> incidentally giving an excellent account of what had been accomplished up to that date by the national committees.

In the following year the fourth international white-slave congress duly took place at Madrid, lasting from the 24th to the 28th of October. It was attended by official representatives of fifteen governments and by delegates from the national committees of twenty-one countries. The chief subjects that came up for discussion were the need of more effective police measures, the necessity of more uniform laws, a study of the sources of the white-slave traffic, the need of safeguarding women looking for employment, and the extension to adults of the laws governing the white-slave traffic in minors. Incidentally, the whole question of regulation came up, and a sensation was created by the announcement of Dr. Costello, the head of the special hospital in Madrid, that he had become thoroughly convinced of the inefficacy of regulation, and had become converted to the abolitionist programme.<sup>2</sup>

<sup>1</sup> *La Répression de la Traite des Blanches. Rapport Officiel de la Conférence Internationale. Tenue les 5, 6, et 7 Octobre, 1909.* Vienna, 1909, 231 pp.

<sup>2</sup> An account of this and similar incidents at the congress at Madrid will be found in the *Bulletin Abolitionniste* for November, 1910.

The Spanish national committee presented to the congress a volume containing a compilation of the legislation of all countries on the general question, and it was decided to hold the next international congress in London, 1913. Some of the recommendations of the Madrid congress were incorporated into the international agreement by the amendments of May, 1911, to the international white-slave treaty.

Since the great congress at Madrid, both the international association and the various committees are pursuing the subject energetically. The international association publishes a monthly devoted entirely to the subject.<sup>1</sup> Great activity has recently been displayed by the Austrian league whose annual reports are a model of their kind.<sup>2</sup> The British committee has branches in many of the large cities and possesses a considerable staff of women watchers who within the last seven years have dealt with no less than 17,550 cases.<sup>3</sup> The other national committees also publish annual

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For a fuller report of the congress see *The Vigilance Record* for November, 1910, and *The Shield* for December, 1910.

<sup>1</sup> *La Traite des Blanches. Bulletin du Bureau International.* This is published in London at the same office as *The Vigilance Record* (see *supra*, p. 199).

<sup>2</sup> The last report, published in 1911, is entitled: *Bericht des Vereins "Oesterreichische Mädchen- und Kinderschutz Liga"* (*Oesterreichische Liga zur Bekämpfung des Mädchenhandels*), über das Vereinsjahr 1910, und Generalversammlungs-Protokolle vom 30 Mai und 26 Juni, 1911. Vienna, 1911, 100 pp.

<sup>3</sup> See the publication entitled *The White-Slave Traffic.* Published at the offices of the M. A. P. London (1909).

reports and pamphlets.<sup>1</sup> The movement has spread to South America where the Argentine *Société de Protection et de Secours aux Femmes* is the most prominent of the national associations.

## 2. *The White-Slave Traffic in America*

In the United States the movement came a little later. The investigations of the Committee of Fifteen had disclosed the existence of a similar shameful traffic in New York City; but it was not until 1906 that a national vigilance committee was formed in the United States. Mr. W. A. Coote, who, we know, had been largely instrumental in organising the international committees in Europe, came to help and did much to arouse enthusiasm in the various cities in which he spoke. The American National Vigilance Committee now has members in every state of the Union, with state vigilance committees in many of the separate commonwealths.<sup>2</sup>

Partly as a result of the work accomplished by

<sup>1</sup> Cf., e. g., the French *Association pour la Répression de la Traite des Blanches et de la Préservation de la Jeune Fille. Assemblée Générale du 13 Juin, 1911.* Paris, 1911.

<sup>2</sup> The National Vigilance Committee publishes a monthly called, since 1910, *Vigilance*, which gives an account of the progress of the movement throughout the country and in Europe. It is on the whole a more valuable periodical than the English *Vigilance Record*. Early in 1912 the committee was reorganised under the name of the American Vigilance Association with Dr. David Starr Jordan as president and Mr. Clifford G. Roe as executive secretary.

this committee, the national government decided to join the international union, and on June 6, 1908, President Roosevelt issued a proclamation declaring the adhesion of the United States to the white-slave treaty. Since that time the work of breaking up the white-slave traffic has been actively pursued by both national and state governments, the federal government seeking to look after the immigrants, and the separate states dealing with the internal or domestic traffic. Federal legislation began with the Howard-Bennett Act of 1907, but more effective laws were due in large measure to the investigations instituted by the commissioner-general of immigration, as well as to the reports of the state immigration commission of New York and of the federal immigration commission. The preliminary report of the federal commission in 1909 discloses, in some detail, the existence of this nefarious traffic.<sup>1</sup>

The national immigration act of 1908 sought to provide for adequate punishment of the malefactors, and in the successive reports of the commissioner-general of immigration will be found a full discussion of the progress made each year. Since the decision, in 1909, by the

<sup>1</sup> See *Immigration Report. Importing Women for Immoral Purposes. A Partial Report to Congress on the Importation and Harboring of Women for Immoral Purposes.* Senate Document 196, 61st Congress, 2d Session, 61 pp.

United States supreme court in the Keller case<sup>1</sup> which declared certain sections of the federal immigration law unconstitutional, as infringing on the reserved rights of the states, it became necessary to connect any person whom it was proposed to punish under the national law for harbouring and concealing in houses of ill-fame with the actual importation. As this, however, was almost impossible to prove in most cases, an effective co-operation on the part of the separate states has become indispensable. The federal government attempted to remedy the weakness of the act of 1908 by enacting in 1910 a new and comprehensive law known as the White-Slave Traffic act, or Mann act, which regulates not only foreign traffic in women, but interstate traffic as well.<sup>2</sup> Under this law successful prosecution has become possible.

A notable advance, however, has more recently been made in the separate states. In each of the last three years, ten or fifteen states have enacted stringent laws designed to cope with the evil, so that to-day the great majority of the states have fairly satisfactory laws on the subject. Illinois was the first state to pass (in July, 1908) the so-called "pandering law," and under this

<sup>1</sup> 213 U. S., 138.

<sup>2</sup> The exact title of the law of June 25, 1910, is "An Act to further regulate interstate and foreign commerce by prohibiting the transportation thereunder for immoral purposes of women and girls and for other purposes."

act, as amended later, considerable progress has been made in bringing the malefactors to the bar. In Chicago, for example, where Mr. E. W. Sims, the federal district attorney, took up in 1908 the policy initiated two years before by Mr. Clifford G. Roe, an assistant state district attorney, the latter was now put in charge of a special fund provided by public-spirited citizens, and met with remarkable success in prosecuting offenders. The other states followed rapidly with their pandering laws and many convictions have been secured and many organised gangs of traders broken up.<sup>1</sup>

In New York City the matter has recently been brought to a head by the swearing in, on January, 1910, of a special grand jury, charged to investigate the alleged existence in New York of such organised traffic. Additional interest was lent to the matter by the fact that Mr. John D. Rockefeller, Jr., was selected as foreman. For six months this jury made a careful study of existing conditions and employed various agents through the district

<sup>1</sup> A good account of the whole subject will be found in *The White-Slave Traffic in America*, by O. Edward Janney, New York, 1911. Of less value although containing some useful information, is *The Great War on White Slavery; Horrors of the White-Slave Traffic*, by Clifford G. Roe, Chicago, 1911. The same work was later issued, without illustrations, under the title, *The Prodigal Daughter: The White-Slave Evil and the Remedy*. An earlier work by Mr. Roe is *Panders and their White Slaves*. An admirable treatment of the subject will be found in a series of articles by Miss Jane Addams in *McClure's Magazine*, beginning with November, 1911, entitled "A New Conscience and an Ancient Evil." This is to be published as a book in 1912.

attorney's office, for the detection of crime, a special appropriation of \$25,000 having been made by the board of estimate and apportionment to cover the expenses of the investigation. The jury rendered its presentment in June, 1910.<sup>1</sup> They reported that while they had not been able to find any evidence of organisations engaged in the traffic, they had discovered "that a trafficking in the bodies of women does exist and is carried on by individuals acting for their own individual benefit, and that these persons are known to each other and are more or less informally associated."

The grand jury further reported that they also found that associations and clubs, composed mainly or wholly of those profiting from vice, have existed, and that one such association still exists. These associations and clubs are analogous to commercial bodies in other fields, which, while not directly engaged in commerce, are composed of individuals all of whom as individuals are so engaged. The grand jury also declared that the "incorporated syndicates" and "international bands" referred to in published statements are really more or less informal relations, and that the "international headquarters," "clearing-houses," and pretentious "club-houses" often spoken of

<sup>1</sup> *White-Slave Traffic. Presentment of the Additional Grand Jury for the January Term of the Court of Special Sessions in the County of New York, as to the Alleged Existence in the County of New York of an Organised Traffic in Women for Immoral Purposes. Filed June 29, 1910.—New York, 1910, 16 pp.*

are in reality cafés or other so-called "hangouts" where people interested in the various branches of the business resort. These and the houses of prostitution are also referred to as "markets." In the language of the New York market, the "dealers" and "operators" are the so-called "pimps" and "procurers," the "pimp" being referred to as the "retailer" and the manager of houses as the "wholesaler."

After a significant and thorough discussion of the subject, the grand jury made the following recommendations:

1. That no effort be spared in bringing to justice the so-called "pimp." When the character and prevalence of these creatures are more fully realised and public sentiment aroused regarding them, the inadequate punishment now imposed should be increased and every legitimate means devised and put into execution to exterminate them.
2. That the existing laws be more rigidly enforced to safeguard the patrons of the moving-picture shows, and that parents and guardians exercise more careful supervision over their children in connection with their attendance upon these shows.
3. That vigorous efforts be made to minimise the possibility of the Raines-Law hotel becoming a disorderly house, and that where necessary proper supervision and inspection looking toward that end be provided.

4. That the so-called massage and manicure parlours be put under the control of the Health Department; that a license from this department be required for their operation; that certificates be granted to operators only by some approved medical authority, and that proper measures be taken to enforce these laws.

5. That the laws relating to prostitution in apartment and tenement houses be rigidly enforced, and that the present laws be supplemented if necessary.

6. That a commission be appointed by the mayor to make a careful study of the laws relating to, and the methods of dealing with, the social evil in the leading cities of this country and of Europe, with a view to devising the most effective means of minimising the evil in this city.

In line with the last recommendation in the presentation, the mayor asked the foreman of the grand jury to suggest suitable commissioners, although expressing doubt as to the wisdom of appointing such a commission. For a number of months the foreman, Mr. Rockefeller, devoted himself to the study of the field for such a commission, having personal conferences with numerous representative men and women in the city in all walks of life. The result, however, was to the effect that an unofficial rather than an official organisation seemed desirable. This view was presented to the mayor, who cordially agreed with the conclusions

reached. It was clear to those who had studied the problem that two things were necessary to the success of any movement looking towards the reduction of commercialised vice:

1. That the warfare against evil-doers should be permanent—that is, that the organisation taking up the work should be a permanent rather than a temporary one.

2. That the work in its initial and experimental stages should be carried on entirely apart from publicity; that it should begin in a small way and develop as the problem was grasped and as wise methods of attack presented themselves.

It is understood that a small and informal committee has been formed, which is to be the nucleus of a permanent organisation, the purpose of which is to deal eventually with the larger question involved, the committee addressing itself for the present to a careful study of the problem and the working out of wise lines of attack.

In the light of what has been stated in the preceding pages, it is clear that public opinion throughout the United States is now gradually being aroused to the enormities of this infamous traffic, and that during the next few years we may expect to see a decided progress made in the checking of what has become the most shameful species of business enterprise in modern times.

## CHAPTER III

### A DECADE'S DEVELOPMENT IN THE UNITED STATES

THE immediate results of the work of the Committee of Fifteen have been recounted above in the preceding portions of this book. Having accomplished its chief object, in part at least, and for the time being, the committee dissolved. But it was not long before the need was felt for taking up the work anew along several different lines. The three chief manifestations of this newer movement were: The inauguration of the Committee of Fourteen; the formation of the American Society of Sanitary and Moral Prophylaxis, followed by similar societies elsewhere; and the creation of vice commissions in several cities, notably Chicago and Minneapolis.

We shall deal with each of these in order.

#### *I. The Committee of Fourteen*

In its original report the Committee of Fifteen had called especial attention to the evils connected with the Raines-Law hotels. As these evils seemed

to increase rather than diminish, a committee of fourteen citizens of New York was organised in 1905, for the express purpose of suppressing these hotels. The committee included in its membership a few of the old Committee of Fifteen, as well as the widow of its lamented chairman, who had in the meantime passed away. It was soon recognised, however, that many other evils were connected with the existing laws. Accordingly a sub-committee was created in 1907; for the closer investigation of these other phases of the social evil, and before long assumed the name of the Research Committee of the Committee of Fourteen. Its first work was to investigate the relation of the magistrates' courts to the women of the street in New York City, and also the disposition of disorderly-house cases of all kinds, and in the care of special associations. This report was submitted to Governor Hughes, and had no little influence in the creation of the Page commission (so-called from its chairman, Mr. Alfred R. Page), formed to investigate the courts of minor criminal jurisdiction in New York.

The report<sup>1</sup> of that commission resulted in the passage of the famous Page law,<sup>2</sup> which revolutionised the procedure in the New York city magis-

<sup>1</sup> *Final Report of the Commission to inquire into Courts of Inferior Criminal Jurisdiction in Cities of the First Class*, Albany, 1910, pp. 81. The proceedings were published in 1909 in two thick volumes.

<sup>2</sup> Act of June 25, 1910, ch. 659, with short title: "Inferior Criminal Courts Act of the City of New York."

trates' courts and which introduced a host of other beneficent changes. In the meantime the research committee had begun in 1908 their larger investigation into the administration of all the laws which had any direct reference to the social evil and after two years of close investigation published their report in 1910.<sup>1</sup>

As the report was confined to the problem of law enforcement, the committee did not attempt to ascertain the causes of the extent of the social evil, or to deal with the various systems of regulation, or with the arguments for or against its existence. They limited their efforts to the study of each particular law, and to a presentation of so much of the prevailing conditions as might fairly represent the effectiveness of the law. The report classified the laws into seven groups, according as they affected the following points:

1. Social conditions, embracing the places where prostitution is carried on or facilitated, such as tenement houses, disorderly houses, Raines-Law hotels, and dance halls.
2. The protection of women, covering such topics as seduction under promise of marriage, compulsory marriage, compulsory prostitution of wives, vagrancy, and disorderly conduct.
3. The modification of penalties and procedure

<sup>1</sup> *The Social Evil in New York City: A Study of Law Enforcement by the Research Committee of the Committee of Fourteen.* New York, 1910, pp. 268.

in the attempt to better the conditions of the unfortunate women. Under this head special attention was paid to prohibition laws and to the night courts.

4. Special education, especially the matters connected with obscene prints and articles, the display of immoral pictures, and the presentation of immoral plays and exhibitions.

5. The protection of the family. Under this head fell the laws connected with marriage licenses, false personation, adultery, abortion, and midwifery.

6. The protection of children, more especially the problems of rape, of abduction, of kidnapping, of child labour, and the children's court.

7. The protection of those seeking work, covering investigation of the employment agencies.

On each of those points the committee presented a mass of information which it would be hopeless to attempt to summarise here. The conclusion to which the committee came was that the social evil in New York City is an elaborate system systematically fostered by business interests rather than a consequence of emotional demand. What reformers have to deal with, they tell us, is not simply vice as such, but vice as a business conducted for profit, with various beneficiaries in all walks of life. The committee understated rather than overstated the evils of the situation,

and rigidly eliminated from the report all sensational matter.

The committee tell us that they began the investigation with the expectation of finding the laws fairly well-enforced. They declare that the truth has been a painful surprise, but that nevertheless, sombre as is the picture, it is not without hopeful features; that the first step toward improvement cannot be taken until existing conditions are fully realised. They put the main emphasis, however, not upon the enactment of new laws, but upon the enforcement of existing laws, which in itself would bring about a notable improvement. "It is entirely possible for public opinion to demand and secure the appointment of officials who shall be free from political and financial influence, and who shall administer the laws with intelligence and even-handed justice. It is entirely possible directly to rid our streets and tenements of the social evil; possible to force its withdrawal from the conspicuous place which it occupies in the community to-day; possible to surround with wholesome influences the places to which young people go for innocent amusement, and to separate them from association with the liquor traffic and the social evil; possible to protect our children, by enforcement of the child-labour, education, and similar laws, from daily exposure to the moral contamination to which many of them are

subjected; possible to hunt to their undoing the unscrupulous or indifferent business interests which profit from the exploitation of vice, unwitting that their cupidity is a baser sin than the lust on which it profits."

As a result of the careful investigation, the committee made the following recommendations:

1. The appointment of a non-salaried commission to make a further study of the problem, to look after the enforcement of existing laws, and to recommend changes whenever desirable.
2. A change in the attitude of the magistrates, and an improvement in their personnel.
3. Instead of punishment for the unfortunate women, the weight of public opinion should be brought to bear upon the profit-sharers—the men higher up.
4. The separation of recreation from vice.
5. Co-operation between the officials charged with the enforcement of the various laws.
6. The burden of punishment should not fall alone upon women.
7. The development of local improvement boards.
8. The abolition of the system of fine for repeated offences and the establishment of accurate records and means of identification.
9. The publication in code form of all the laws governing the social evil and a digest of the decisions.

The chief results of the work of the Committee

of Fourteen, outside of the impetus given to the movement which resulted in the passage of the Page law, have been some notable improvements in the New York excise law, and more efficient administration of the laws, not only by the state excise department but by the local authorities, such as the courts, the district attorney, and the police. In 1905, there were over twelve hundred Raines-Law hotels in Manhattan and the Bronx; in 1911, this number has been reduced to 87—a remarkable showing. This result could not have been attained without the co-operation of the brewers and of the surety companies writing excise bonds, without which no hotel can secure a license.

The programme of the committee for the immediate future is declared to be as follows: constant supervision of probationary places to maintain proper conditions; active efforts to secure improved conditions in saloons and hotels through the co-operation of the brewers; aggressive fighting of the incorrigibly bad places; effective opposition to any attempt to weaken the restrictive sections of the excise law; cordial co-operation with other organisations to secure a broad and effective movement against all phases of commercialised sexual vice; and extension of the work to the Bronx and Brooklyn, where conditions, however, have been shown to be different from Manhattan, in that there is much less commercialism.

*2. The Societies Formed to Combat the Social Evil*

A few months after the institution of the Committee of Fifteen the New York Medical Society appointed a committee to study measures to reduce the spread of venereal diseases. The chairman of this committee was Dr. Prince A. Morrow, a distinguished specialist who had been a delegate to the international Brussels conference. The committee became known as the Committee of Seven and its report,<sup>1</sup> which for the first time in America gathered statistics on the subject, attracted great attention, but chiefly among physicians. On May 23, 1904, however, Dr. Morrow read a paper in which he advanced the proposition to form in this country a society of sanitary and moral prophylaxis, similar to those abroad. The facts to which attention was especially invited were the following<sup>2</sup>:

i. The enormous prevalence of the venereal diseases, and their significance as a danger to public health. It was declared to be a conservative estimate that fully one-eighth of all diseases and suffering are due to this source, and that the incidence of the diseases falls most heavily upon

<sup>1</sup> *Report of the Committee of Seven on the Prophylaxis of Venereal Disease in New York City.* By the chairman. Reprinted from the *Medical News*, Dec. 21, 1901.

<sup>2</sup> Cf. the pamphlet entitled *Society of Sanitary and Moral Prophylaxis: Origin of this Movement. Its Objects, Means, and Methods of Work.* By Prince A. Morrow, M.D. New York, 1908.

the young, during the most active and productive period of life.

2. Dangers to the innocent members of society. Of the large proportion of men who contract such diseases, many of them carry this infection into the family. It was stated that eighty per cent. of the deaths from inflammatory diseases peculiar to women, seventy-five per cent. of all special surgical operations performed on women, and over sixty per cent. of all the work done by specialists in diseases of women are the result of infection of innocent women. Moreover, fifty per cent. or more of these infected women are rendered irremediably sterile, and many are condemned to life-long invalidism.

3. Dangers to the offspring. Fully eighty per cent. of the ophthalmia which blots out the eyes of babies, and twenty to twenty-five per cent. of all blindness, are caused by what is known as gonococcus infection. Sixty to eighty per cent. of infected children die before being born, or come into the world with the mark of death upon them. Those that finally survive—one in four or five—are the subjects of degenerative changes and organic defects, which may be transmitted to the third generation. It is for this reason that these diseases have sometimes been designated in recent years as "the great black plague" whose ravages have always been covered up and concealed from the public.

4. The economic significance of the fact that these diseases constitute the most potent factor in the causation of blindness, deaf-mutism, idiocy, insanity, paralysis, locomotor ataxia, and other incurable afflictions that impose an enormous charge upon the community.

5. Relation to tuberculosis. It is well recognised by the medical profession that venereal diseases, by lowering the vitality and weakening resistance, produce a condition favourable to the development of tuberculosis. Until the spread of syphilis is effectively checked, the fight against tuberculosis will be but partially successful.

The founders of the movement declared that the most lamentable fact about the whole situation is the ignorance of the general public. An essential part of the society's programme, therefore, was destined to be educational in character, and this education was to embrace the following factors:

First, the general dissemination of knowledge among the public, in a proper and discreet manner, of the extent and danger of these diseases, and their modes of contagion, direct and indirect.

Secondly, the enlightenment of the public respecting the social danger of these diseases, especially to the innocent members of society, through their introduction into marriage.

Thirdly, the education of young people in a knowledge of their physical selves, and of the laws and hygiene of sex.

The invitations found a ready response, especially as Dr. Morrow had in the meantime published his admirable work *Social Diseases and Marriage*, written to create a professional sentiment in favour of the movement. In this it succeeded beyond expectation, and in the beginning of 1905 the American Society of Social and Moral Prophylaxis came into existence, with several members of the old Committee of Fifteen on its governing board and in the membership lists. The society held frequent meetings, at which all manner of topics connected with the general subject were discussed, on the basis of scientific investigation and accurate presentation. In this way the end was attained of gradually accustoming the public to a discussion of the topic which had been so long tabooed. Most of the papers presented dealt with the problem of preventive medicine, chiefly in its educational aspects. The educational work of the society consisted of public meetings and conferences, of lectures, and of the circulation of educational literature and pamphlets. The public meetings and conferences were reported in volumes of transactions published every two years, forming a valuable arsenal of facts and a well-digested set of conclusions.<sup>1</sup>

<sup>1</sup> *Transactions of the American Society of Sanitary and Moral Prophylaxis.* Vol. i., 1906, 166 pp.; vol. ii., 1908, 246 pp.; vol. iii., 1910, 211 pp. The office of the Secretary is at 29 West 42d Street, New York City.

The efforts connected with educational literature consisted largely of the preparation and dissemination of the so-called "educational pamphlets." Some of these have been distributed by the tens of thousands and constitute in many respects the best available literature on the subject that is to be found in English.<sup>1</sup> In fact, one notable feature of the work accomplished by the New York society has been the accustoming of the public to the discussion of these topics. As the president of the society has said: "The real difficulty is that we have been unable to reach the great masses of the public to any effective extent. The public press and periodicals which serve for the enlightenment of the masses, and which have rendered such signal service in the campaign against tuberculosis and other infectious diseases through the popularising of hygienic knowledge, are absolutely barred to the mention even of the diseases which we wish to prevent. I believe that with publicity for a fulcrum we have in our facts a sufficiently strong lever to move the world. . . . Once the crust of conventional prejudice is broken by a courageous

<sup>1</sup> The educational pamphlets are as follows:

1. *The Young Man's Problem*, 32 pp. 2. *Instruction in Physiology and Hygiene of Sex*, 24 pp. 3. *The Relations of Social Diseases with Marriage and their Prophylaxis*, 72 pp. 4. *The Boy Problem for Parents and Teachers*, 32 pp. 5. *How my Uncle, the Doctor, Instructed me in Matters of Sex.*, 32 pp. 6. *Health and the Hygiene of Sex, for College Students*, 32 pp. 7. *Sex Instruction for Little Girls* (in preparation). 8. *Instruction for Unprotected Young Women* (in preparation).

leader, there is no doubt that other progressive periodicals will fall into line."<sup>1</sup>

Not only has the society had some measure of success in accomplishing this end, but it has prepared the way for the construction in New York of a large special hospital for venereal patients, and it has given considerable strength to the movement for securing a national census of venereal morbidity and mortality in the United States.

It was not long before branches of the American Society, or associations with similar aims and purposes, were started. Beginning in the year 1906, and rapidly following in the succeeding years, such societies were formed in Syracuse, Buffalo, Baltimore, Philadelphia, St. Louis, Hartford, Milwaukee, Detroit, Oakland, Denver, Chicago, Indianapolis, Portland (Ore.), Spokane, Elkins (W. Va.), San Antonio, Providence, Seattle, and East Orange.<sup>2</sup> Of these eighteen societies one-half (California, Colorado, Connecticut, Indiana, Maryland, New Jersey, Rhode Island, Texas, and West Virginia) are state, the

<sup>1</sup> *Social Diseases*, January 1910, p. 11. The hope here expressed has been in part realised by the appearance of the articles on the subject by Miss Jane Addams, mentioned above on p. 210.

<sup>2</sup> There is also a society in the city of Mexico. The names of these societies vary slightly, including such differences as: Society for the Prevention of Social Diseases, Society of Social Hygiene, Society of Sex Hygiene, Society of Sanitary and Moral Education, Society of Social and Moral Hygiene, Society for the Study and Prevention of Gonorrhœa and Syphilis, Sanitary Association and Society for Social Health.

remainder local associations. Many of these societies publish literature of their own, and are aiding materially in spreading a knowledge of the movement throughout the country, co-operating also with the vigilance committees mentioned in the preceding chapter and designed to suppress the white-slave traffic.<sup>1</sup> In several states, notably California, Florida, Idaho, Indiana, Iowa, Kentucky, Michigan, Ohio, North Dakota, and Rhode Island, the state board of health has been induced to take up the matter and spread broadcast suitable literature.<sup>2</sup>

At the beginning of the year 1910, the interest in the subject had become so great that a general demand arose for a bulletin or journal to serve as the official organ of the various societies throughout this country. In order to satisfy this demand, a quarterly periodical was started, entitled *Social*

<sup>1</sup> Cf. especially the publications of the Chicago and Spokane societies, of which the most important have been: (1) *Sexual Hygiene for Young Men*; (2) *Family Protection*; (3) *Community Protection*; (4) *Comments on the Aims and Efforts of the Society of Social Hygiene*.

<sup>2</sup> Among such information are the following sex hygiene circulars, issued by the Rhode Island state board of health: (1) *For Young Men*; (2) *Information for Persons having Syphilitic and Gonorrhæal Diseases*; (3) *Infection for Young Women; Ophthalmia Neonatorum: Preventive Treatment, Suggestions, and Treatment of the Disease*. Cf. also the excellent health circular issued by the Indiana state board of health: *Social Hygiene vs. The Sexual Plagues, with their Rapid Invasion of the American Home; The Horrible Consequences of Sex Secrecy and the Obligation of Parents in the State to Protect the Rising Generation*. Indianapolis (1910), 38 pp.

*Diseases: Report of the Progress of the Movement for their Prevention.* This did its work so well that in June of the same year a meeting of the delegates from the various societies was held in St. Louis, and a national organisation was formed under the name of the American Federation for Sex Hygiene. The purpose of this federation was declared to be the education of the public in the physiology and hygiene of the sex, and the study and application of every means—educational, sanitary, moral, and legislative—for the prevention of syphilis and of gonococcus infection. Dr. Morrow was elected president, and emeritus president Eliot of Harvard University was made honorary president, with a distinguished list of vice-presidents of national reputation. The following resolutions offered by a noted physician were adopted for presentation to the American Medical Association, with the request that they be accepted as the public attitude of that body also:

“Whereas, there is ample evidence of a belief, deeply grounded, among the laity, that sexual indulgence is necessary to the health of the normal man: and,

“Whereas, there exists, in consequence, widely differing and double standards of moral and of physical health for the male and female sexes, that lead directly to the disease and death of many women and children:

“Be it resolved, that the American Medical

Association, through its House of Delegates, hereby presents for the instruction and protection of the lay public the unqualified declaration that illicit sexual intercourse is not only unnecessary to health, but that its direct consequence in terms of infectious disease constitutes a grave menace to the physical integrity of the individual and the nation."

The objects of the national society are, therefore, primarily educational. That there is need of this can scarcely be doubted. We are told that, in consequence of the awakening of public interest in the sex problem, a deluge of so-called sex books is now flooding the country—a few of them good, more of them indifferent, and most of them positively bad. This multiplication of harmful literature constitutes a real danger. It is important to separate the wheat from the chaff—to recommend what is good and to condemn what is bad. Furthermore, many persons have entered the lecture field who are not qualified by either knowledge or experience to undertake this difficult and delicate work, and who by their injudicious utterances offend rather than educate the public. Another danger, we are told, consists in the precipitancy and haste with which the introduction of sex instruction in the public schools has been urged by many who do not fully appreciate the difficulties. As a matter of fact, there is at present an utter lack of preparation on the part

of teachers, and also a want of elementary text-books. What the new society has primarily in view is the organisation of an influential central body, composed of wise and experienced educators, who shall co-ordinate and standardise the work of sex instruction, formulate the matter and method of this instruction, prepare suitable text-books, and establish special courses for the education of teachers for this delicate and difficult task.<sup>1</sup>

The formation of the national society will probably form a turning point in the history of the whole movement in America.

### 3. *The Page Law in New York and the Vice Commissions in Chicago and Minneapolis*

The years 1910-11 have witnessed the culmination of the new interest in the general problem as manifested not only in the formation of the national society, but in the defeat of the attempt to introduce the beginnings of regulation in New York City, and in the remarkable reports of the Chicago and Minneapolis commissions.

The discussion as to the best methods of dealing with the social evil as a whole was precipitated in an acute form in New York City by the controversy over the famous section 79 of the Page law. The Page law, to which reference has already been

<sup>1</sup> *Social Diseases*, July, 1911, p. 2.

made above,<sup>1</sup> was admirable in almost all its features. It included, however, one section which had been slipped into it without adequate discussion, largely through the efforts of a New York physician who had been much influenced by the German reglementists.

This section 79, it may be said in passing, was not the first attempt to introduce the state regulation of vice by law into the United States. The short-lived St. Louis experiment of 1870-74 has been touched upon above in the body of this work.<sup>2</sup> But it is not generally known that in 1876 a similar attempt was made in New York City. In that year the grand jury of the court of general sessions made a presentment, closing with a resolution which requested the legislature to segregate houses of ill-fame, and to subject them at all times to the careful and vigilant supervision of the boards of health and police.<sup>3</sup> Mrs. Josephine E. Butler happened to be in New York at the time, and at once took the lead in starting a public agitation, which culminated in the formation of the New York committee for the prevention of licensed prostitution. The activity of this society was sufficient to prevent the passage of any such law.<sup>4</sup>

<sup>1</sup> *Supra*, p. 216.

<sup>2</sup> *Supra*, p. 109.

<sup>3</sup> This presentment will be found in the *New York Evening Post* of June 2, 1876.

<sup>4</sup> An interesting account of the attempts made to legalise prostitution in St. Louis, New York, Philadelphia, etc., at this period will be found

In the intervening half century, up to 1910, nothing more was done until the enactment of the Page law. Section 79 of the Page law provides for the compulsory examination of prostitutes, and their detention if found diseased, thus embodying some of the chief provisions of the French system.<sup>1</sup> The law went into operation in Septem-

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in Wilson and Gledstone: *Report of a Visit to the United States as Delegates from the General Federation, etc.* Sheffield, 1876. See also Nevins, *An Address to Members of the American Legislature.* London, 1877. For full titles see the Bibliography. Cf. also the appendix to Sanger's *History of Prostitution*, new ed., 1906.

<sup>1</sup> The full text of Section 79 is as follows:

"SECTION 79. Medical Examination of Prostitutes. On and after the first day of September, nineteen hundred and ten, any person who is a vagrant, as defined in subdivision four of section eight hundred and eighty-seven of the code of criminal procedure, or who is convicted of a violation of subdivision two of section fourteen hundred and fifty-eight of the consolidation act, or of section one hundred and fifty of the tenement-house law, shall after conviction be taken to a room adjacent to the court room, and there be physically examined by a woman physician of the department of health detailed for such purpose. After such examination the physician making the same shall promptly prepare and sign a written report to the Court of the prisoner's physical condition, and if it thereby appears that the prisoner is afflicted with any venereal disease which is contagious, infectious, or communicable, the magistrate shall commit her to a public hospital having a ward or wards for the treatment of the disease with which she is afflicted, for detention and treatment for a minimum period fixed by him in the commitment and for a maximum period of not more than one year; provided, that in case a prisoner so committed to any institution shall be cured of her venereal disease, which is contagious, infectious, or communicable, after the expiration of the minimum period and before the expiration of the maximum period for which she was committed to such institution, she shall be discharged and released from custody upon the written order of the officer in charge of the institution to which she was committed, upon the certificate of a physician of such institution or of the department of health that the prisoner is free of any venereal

ber, 1910, and at once gave rise to a spirited protest. In this movement, the Society for Social and Moral Prophylaxis took a prominent part, under the able leadership of its president, and devoted several sessions to the discussion.<sup>1</sup> It was at one of these sessions that the present writer, as the former secretary of the Committee of Fifteen, delivered an address, which is printed in the appendix.

Under the auspices of the Women's Prison Association and allied societies, a mass meeting of protest was held at Cooper Union on January 19, 1911, and resolutions were adopted, calling on the legislature to repeal the law, and upon the board of health to establish a method of broad treatment for venereal diseases. In the meantime, a suit had been brought to test the constitutionality of the law, and Justice Bischoff had declared section 79 unconstitutional. Pending the appeal, the enforcement of the clause was discontinued after eighty-four days of actual life. On May 1, 1911, the appellate division reversed the decision

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disease which is contagious, infectious, or communicable. If, however, such prisoner shall be cured prior to the expiration of the minimum period for which she was committed, she shall be forthwith transferred to the workhouse and discharged at the expiration of said minimum period. Nothing herein contained shall be construed to limit the authority of a city magistrate to commit any prisoner for an indeterminate period to any institution now having authority by law to receive inmates for detention for a period of more than one year.

<sup>1</sup> See, especially, *Social Diseases*, October, 1910, and January, 1911. The arguments of the reglementists were marshalled by Dr. Bierhoff, in four articles in the *Medical Record* for November 12th and December 3d, 1910, and March 15th and April 1st, 1911.

of Judge Bischoff by a vote of two to one; but on June 15th of the same year the court of appeals reversed the appellate division by a vote of six to one, declaring clause 79 unconstitutional on the ground that the nature of the sentence for conviction was made to depend upon the report of a physical examination, without an opportunity for a hearing upon the facts entering into the report. Thus came to an end, probably for many years, the effort to introduce by law into any American city the European system of regulation.

At about the same time as the passage of the Page law in New York, the subject had also come to a head in Chicago. The Chicago commission owed its origin to a meeting held by the church federation, at the beginning of the year 1910. In March of that year, the mayor appointed a so-called Vice Commission of thirty members, which undertook an exhaustive investigation into the whole problem of the social evil in Chicago, and which brought in its report a year later.<sup>1</sup> The report is comprehensive, and the recommendations are so numerous that they almost defy condensation. The commission found that prostitution in Chicago had become a vast commercialised business, that the present laws were

<sup>1</sup> *The Social Evil in Chicago: A Study of Existing Conditions with Recommendations by the Vice Commission of Chicago.* Chicago, 1911, 399 pp.

not enforced, and that there was a lamentable ignorance of the existing conditions on the part of the public. The body of the report contains a disclosure of the facts as they were found to exist; and this plain, unvarnished, sedulously calm statement of the situation was in itself sufficient to arouse and to startle the public. The commission unanimously concluded that the continental system of regulation was not to be recommended. "One has but to read scientific works on the subject; to study the reports of international conferences held in Europe, and to hear the reports of careful investigators, to see the unreliability and futility of such a system, and to learn of its failure as a permanent institution wherever it has been undertaken in this country or abroad."

The commission did not close their eyes to the fundamental facts. "So long as there is lust in the hearts of men," they tell us, "it will seek out some method of expression. Until the hearts of men are changed, we cannot hope for any absolute annihilation of the Social Evil." They contend, however, that the social evil, in its worst phase, may be checked if only the public conscience can be aroused. "We may enact laws; we may appoint commissions; we may abuse civic administrations for their handling of the problem, but the problem will remain just as long as the public conscience is dead to the issue, or is indifferent to its solution."

The chief recommendation of the commission was the appointment of a morals commission and the establishment of a morals court. From among the no less than ninety-three other recommendations, the following may be selected as the most important:

1. The establishment of a federal bureau of immigration at Chicago and greater control of the lake steamers;
2. The enactment of a law whereby houses of ill-fame may be declared public nuisances;
3. The abandonment of fines and the substitution of imprisonment or the probation system;
4. A supervision of the employment agencies;
5. A stricter enforcement of the city ordinances governing the saloons and dance halls;
6. The provision of more ample hospital facilities;
7. Better statistics as to the extent of venereal diseases;
8. A comprehensive system of education in sex;
9. A better control of the parks and playgrounds;
10. An industrial home for prostitutes;
11. The separation of semi-delinquent from delinquent girls;
12. The prohibition of women without male escorts in saloons;
13. More homes and hotels for working girls; and

14. A curtailment of the extreme liberty given by parents to young children.

If any criticism is to be urged against the Chicago report, it is that it attempted too much. To make ninety-five recommendations, with any hope of having them adopted, is to expect more than is reasonable from human nature. Greater success would probably have been achieved if the commission had contented themselves with a less ambitious programme. As a portrayal, however, of existing conditions in a large city, the Chicago report will long remain unexcelled.

At the end of the same year, 1910, a similar commission was appointed in Minneapolis, and in July, 1911, its report was issued.<sup>1</sup> The Minneapolis commission had, naturally, a far less difficult work to perform than that of Chicago. Its report is, however, more valuable than that of the Chicago commission in several respects: it is more compact; its conclusions are presented in better form; and its recommendations are based upon a comparative survey of the problem. Moreover, the report does not contain a statement of all the detailed facts upon which the conclusions were based. The commission tell us that the materials upon which the report was founded would in their opinion more fittingly adorn a safety-deposit box than a public document. The Min-

<sup>1</sup> *Report of the Vice Commission of Minneapolis to his Honor, James C. Haynes.* Minneapolis, 1911, 12mo, 134 pp.

neapolis commission, therefore, contented themselves with presenting their conclusions, together with the chief reasons upon which the recommendations were founded.

It is interesting to observe that, precisely as in the case of the Committee of Fifteen,<sup>1</sup> the great majority of the Minneapolis commission were, at the outset, in favour of some system of regulation or segregation, and that at the conclusion of this study they came unanimously to the opposite opinion. We are told that, "the chairman himself has yielded the theory which he held on becoming a member of this committee, to the overwhelming mass of evidence which he discovered against it."<sup>2</sup> The commission report that "legalising and licensing prostitution is a method foreign to the sentiment and feelings of the American people and repugnant to their high moral sense," and they call attention to the fact that the system has actually broken down throughout Europe. With reference to segregation—which, as they point out, contrary to ordinary opinion, is not the usual practice in Europe, but is found in only a very few cities—the commission maintain that segregation does not segregate, and that it complicates rather than simplifies the problem for the police.

The chief recommendations of the commission are the policy of strict law enforcement and of

<sup>1</sup> See below, page 247.

<sup>2</sup> *Report*, p. 107.

increased police vigilance under existing ordinances. But they also lay stress upon remedial and preventive measures. Among these are more adequate hospital facilities, and improvements in sex education, in recreation facilities, in economic conditions, and in provision for institutional care. They approve, finally, a recommendation for a permanent commission whose immediate functions shall be to assist in carrying out the policy of suppressing the social evil and of attacking its causes.

Taking them together, the reports of the Chicago and Minneapolis commissions are so exhaustive, so sensible, and so stimulating that they may well serve as models to the other American cities. That they agree in the main with the conclusions formulated by the Committee of Fifteen in 1902, recited in the earlier part of this book, is a subject of no little congratulation.

While it is a cheering evidence of the times that expert opinion in the United States, like that in Europe, is tending in the same direction, actual practice, as is to be expected, has not made the same progress. The conditions of police control of the social evil in the American cities at present vary widely, and in but few of them has the modern or constructive point of view been adopted. A recent census of seventy-two of the leading cities in this country has disclosed the fact that while there is no legal licensing of

prostitution in any of the cities, it exists, in fact, in two, namely Atlantic City and Cheyenne.<sup>1</sup> In those two cities there is segregation of prostitution, medical examination, and a system of fines for houses of ill-fame and their inmates. In thirty-two of the cities, the police declare there is a system of regulation, by which fact, however, is simply meant that the police take an active part in dealing with the problem. In thirty-three of the cities the policy of segregation is followed, while in most of the others that policy has been abandoned as unsuccessful. In this respect, the recent experience of Winnipeg, Canada, is noteworthy. An earlier experiment had failed and had been abandoned. In 1909, the scheme was again introduced, but we are told that "the grave abuses, the flaunting of vice, the demoralising influence on childhood and youth, the exhibitions of obscenity and bestiality" led to such an outbreak of public criticism as to result in the appointment of a commission and the final abandonment of the whole policy.

Interesting in this respect also, as indicating the trend of American legislation, is the passage in 1909 of the "Injunction and Abatement Law" in Iowa. This is definitely opposed to the policy of segregation, and declares a house of ill-fame to be a public nuisance.

<sup>1</sup> A circular containing eleven questions was sent by the National Vigilance Committee to seventy-two cities, and the answers are given in detail in *Vigilance* for May, 1911.

The director of the department of public safety in Des Moines has recently called attention to the fact that the success of the law has been such as to convert those who had previously upheld the policy of segregation. A similar law is now in force in Nebraska.

It is unfortunately true that the heads of police not infrequently proclaim segregation as a panacea. Even so admirable a man as the late head of the police force of New York has advanced this idea.<sup>1</sup> Such a position, however, is not only indefensible in the light of both American and European experience, but is abandoned by the most discerning police officials themselves. In a recent interesting document issued by the police commissioner of Boston, Mr. Stephen O'Meara, we find, for instance, the following passage<sup>2</sup>:

"Total extinction of public and semi-public sexual immorality in a city of the size of Boston cannot be hoped for, can hardly be imagined; but effectual restraint can be applied. I do not mean restraint by license, as practised in the cities of other continents the world over, and as tried at times in this country; and neither do I mean the restraint common to almost all cities of the

<sup>1</sup> *The Girl that Disappears*, by Theodore A. Bingham, New York, 1911.

<sup>2</sup> *Police Department of the City of Boston: A Record of the Enforcement of the Laws against Sexual Immorality since December 1, 1909, as contained in the Information relating thereto embodied in the Reports to the Governor of Massachusetts, made annually by the Police Commissioner of the City of Boston*. Boston, n. d. (1911), 50 pp.

United States with populations large enough to raise the question—the restraint which attempts to confine vice to particular localities, which says to brothel keepers that within territories bounded by certain streets they may carry on their business untroubled, or at worst with no greater inconvenience than a fine imposed with such regularity and moderation as to become practically a license fee; which guarantees prostitutes in houses or out of doors within designated sections against the danger of prosecution; which assures licentious men that for breaches of the law committed within certain territorial limits there is neither punishment nor exposure.

"Restraint by license is a surrender to vice under authority of law; restraint by segregation is a compromise with vice, illegally made, and a nullification of laws by public officers appointed to enforce them. Either license or segregation condemns whole neighbourhoods, in which the vicious are but a minority, to the common brand of infamy, and fails, nevertheless, to save other neighbourhoods from incursions of vice.

"When I speak of restraint, therefore, I mean the restraint which is founded on the effective laws, the vigilant performance of police duty, and that responsive action by courts and juries without which both laws and police are powerless."

After giving a detailed account of what the department has been attempting to accomplish,

the police commissioner closes with a paragraph which shows with remarkable clearness the difficulties of the problem:

"The Police Department regards the business of vice as a social tragedy, which has gone on from the beginning and presumably will go on to the end; but police action against it is confined, of necessity, to the attempted enforcement of the laws. The police have no other mission or authority. But the efforts to reduce the profits of the business, to secure the adequate punishment of those who engage in it and thus check its growth, have met with practically no helpful or appreciative response from any direction. If a future police commissioner were intending to pursue the same course with respect to the business of vice that has been followed for four years, I should advise him that he might expect loyal support from the police when once he has convinced them that he was in earnest; little encouragement from courts; bitter hostility from persons whose profits were curtailed; indifference from the public; and from a few enthusiasts in the cause of social purity whose admirable purposes are not sustained by straight and intelligent thinking, he would be sure to receive some measure of abusive criticism. I should advise him that unless he held his oath of office in high regard, and cared for no reward other than the consciousness that he had done his duty faithfully, and with some benefit to the

community, it would be better for him personally that he should follow the easy road of indifference, which is always chosen by those who are officially blind."<sup>1</sup>

It is the public indifference, referred to by the police commissioner, that is really at the root of the problem. The secret of all the efforts that have been recounted in the preceding pages is to overcome and to break down this public indifference. With publicity, with awakening interest, and with the determination to do what is at once right and practicable, the first steps in the solution of the problem will have been taken. At no time in the history of the world has the outlook for such progress been so bright as it is at present.

<sup>1</sup> *A Record, etc.*, pp. 49-50.

## APPENDIX

### THE SANITARY SUPERVISION OF PROSTITUTION. AN ADDRESS ON SECTION 79 OF THE PAGE LAW <sup>1</sup>

WHEN your President asked me to appear before this Society, I told him that I should not have time to prepare a set paper, but that, as the result of my efforts in connection with the Committee of Fifteen some years ago, I had formed certain opinions which reflection has confirmed, and that I should be glad to say a few words on the subject to-night.

As I take it, in such a question as this, where good men differ so fundamentally—and good women too—it is perhaps wise to approach the subject from a somewhat broader point of view. Some who are in favour of section 79 of the Page law support it frankly and avowedly as the first step—as an entering wedge to some system of reglementation. If I am not mistaken, the gentleman who addressed the Society at its last meeting, Dr. Bierhoff, quite openly stated that this was his opinion. On the other hand, others like Mr. Homer Folks, and perhaps Mr. Mayer, desire to draw a sharp line between reglementation or regulation on the one hand, and the Page law on the other. In the first part of my remarks, therefore, I shall address myself to those who in one way or another favour reglementation; and, secondly, I shall speak to those who, while theoretically opposed to regulation, are nevertheless in favour of the Page law.

<sup>1</sup> This address was delivered by the author at a meeting of the Society of Sanitary and Moral Prophylaxis, on December 22, 1910.

This is not the place to call your attention to the historical aspects of the subject. There is only one point I should like to emphasise, as leading up to the position which I take—and, I may say in this respect, it is the position which, so far as I know, is taken to-day by all the surviving members of the Committee of Fifteen. It is a remarkable fact, that when we came together to investigate the problem, knowing very little about it—just about as much or as little as does the ordinary man or woman,—the great majority of us were in favour of regulation on the principle that it could do no harm and might do some good. It was only after a prolonged study of the situation as regards both the facts and the general principles involved, that the committee came unanimously to the conclusion that regulation or reglementation was inadvisable and inadmissible. Let me then devote a few remarks to an endeavour to point out why we came to that conclusion; for the arguments that held then would hold with most of us to-day.

The method used in ancient times in dealing with this subject was to regard it from the religious, or political, or even the fiscal point of view. We all know that prostitution was subject to various forms of regulation in Greek and Roman times, and that it was made subservient to the political ends just as was the marriage relation itself; and we know, furthermore, that the government in many cases secured large revenues from the quasi-religious organisations under whose ægis these practices were carried on. In the Middle Ages the situation was entirely different. Partly as a result of the Christian doctrine, but chiefly under the influence of the newer civilisation of Germanic type as against the old Romanic type, an effort was made to repress this hideous evil as far as possible. It is only with the spread of commerce and industry in the twelfth and thirteenth centuries that we find in the various Italian,

German, and French towns a different attitude taken to it. It was then that the importance of the earlier religious objections diminished, and these unfortunate women were formed into guilds, very much like the other classes of artisans and craftsmen in those days, whose organisations were made to minister to the fancied ends of the communal welfare. Only the other day I was reading in a work on Japan that, in one of the inland towns, they have every five years a great civic procession, headed by all the loose women of the town garbed in beautiful costumes, and every man, woman, and child goes out to see the spectacle. How many realise that this was an early quasi-religious custom throughout Europe? It was a feudal idea which gave rise to this custom in Europe, just as it is a survival of feudalism which explains its continuance in Japan to-day. It does not argue that the Japanese are less good or less wise than we, but simply that they still have survivals of a feudal civilisation which with us has passed away. In so far as any effort was made by mediæval governments to regulate the institution, it was chiefly to maintain public order. Only after the outbreak of the syphilitic scourge in the sixteenth and seventeenth centuries throughout all the European countries was a different attitude assumed.

In modern times, however, has come the evolution of the true democratic and social way of regarding the problem; and the modern way of looking at the problem differs from the mediæval in three respects:

First, in former times the loose women were treated as outcasts and aliens and they were compelled to wear a different garb or costume. Now, with the economic development of modern times, we have gotten over the idea of the alien character of these women, and with the growth of the democratic spirit we feel that they are with us and of us. They may form a separate class, indeed,

we may pity them or hold them in contempt, but in the larger sense they are a part of us.

The second distinction is the emergence of the ethical or moral ideal. This had never—or almost never—been realised before. Nowadays every one feels that whatever may be the method of dealing with these unfortunates, any scheme which has not directly or indirectly, purposely or incidentally, a moral connotation, is bound to fail.

Third, above all, with the growth of modern medicine and modern science, we have learned to emphasise the sanitary aspect of the problem. In fact, this is the one which really confronts us at present. By regulation in modern times, we mean sanitary regulation, and this brings us to the objections to the system of regulation as a whole. These may be summed up as follows:

In the first place, there is always a conflict between sanitary and moral ends. I do not mean to say that sanitary precautions may not go hand in hand with ethical ends, and that certain moral ends may not also involve sanitary precautions; but in these points of contact there is apt to be far less of harmony than of conflict. We find a difference of opinion, for instance, between the doctors' point of view and that of the police. This has been brought out fully in the history of the Parisian, the Viennese, and the German systems; and you all see, of course, why it should be so. The sanitary point of view does not look at all to the chances of reformation. The moral point of view always holds up, as an ideal, at least, the opportunity for reformation—that those women who really are unfortunate rather than perverted, those who are, if you will, occasional rather than professional prostitutes, and who wish to reform, may have a chance to do so. It is because of this conflict between the ethical and the sanitary purposes of regulation that we find such an opposition between those who look at it only from the sanitary point

of view, and those who regard it from the larger and more social point of view. Sanitary regulation may tend, and has frequently tended, to convert a woman from a temporary into a permanent prostitute.

Second, regulation is apt to strengthen the belief that it is for ever inevitable, and that, in so far as it responds to a general need, prostitution is something not only inevitable but beneficial. That is a point upon which the physician can speak more authoritatively than those who look at it from the moral, economic, or ethical point of view. Not a few physicians, however, take issue with the older doctrine which believes in the imperative necessity of sexual intercourse for the young man. To the extent that a system of regulation impliedly recognises this function of prostitution, it runs counter to the newer doctrine.

Third, every system of regulation tends to make men believe that they may indulge in these practices with comparative safety. Anything that tends to render vice innocuous tends to incite to debauch. To the extent that the state whitewashes the situation—and it can scarcely fail to do so when it officially regulates the practice,—to that extent it tends to augment the increase of the demand itself. It is for this reason that many who would perhaps otherwise be lukewarm, or disinclined to take any definite attitude on the subject, are disposed to oppose the system.

In the fourth place, the system of regulation, especially in the Romance countries, shows that regulation is scarcely of any use at all, unless it tolerates and even favours the houses of ill-fame. You cannot get at the clandestine prostitute; you can, to a certain extent, reach the houses of ill-fame. Consequently, in the very country which has done the most in this direction, we find that the indirect result of the system is to encourage such houses,

because it enables the police to regulate with a little more success. Not alone does it encourage houses of ill-fame, but it has also tended—in these Romance countries, at all events—to increase the subordinate and ancillary features—the dance-houses, the giving of liquor in the brothels, etc., making them veritable palaces of delight, as they have been called.

In the fifth place, the chief objection to regulation is that the state cannot regulate anything without recognising it; and that the state in modern times has no business to lend its active support to prostitution through recognition. In modern times, for instance, we have no state lotteries. Whereas in years past churches and other laudable institutions were built and aided by lotteries—Columbia University, for instance, was started by a lottery,—in modern times the state no longer lends its support to lotteries. At least, our own country, as well as most other civilised countries—with the surprising exception of some of the German states,—has abandoned state lotteries altogether. In the same way, we in America and other English-speaking countries believe that by legalising vice the state identifies itself more or less with immorality, and that by helping to maintain a class of such unfortunate women the state tends to outrage the decent element of society, and discriminates between men and women offenders. I can but sympathise with those women who maintain that this is, to that extent, an insult to womankind.

Finally, we do not believe in reglementation, because regulation does not regulate. Even in those countries where they have regulation, the most recent opinion, even among its advocates, is that if it does any good at all, it accomplishes so little as to be negligible; while, on the other hand, there is an increasing number of scientific men in France, Germany, Holland, and other countries on

the continent who are assuming an attitude of dissent and opposition.

We need, therefore, not spend any more time on the problem of reglementation as such. It may appeal to certain of the European countries, which are accustomed to the continual interference of government in the smallest and most detailed affairs of daily life; but it may safely be affirmed that reglementation as such will not appeal to the American public.

Let us come, then, to the Page law. Some say: It is not regulation; we don't want regulation, but we favour the Page law because it is simply an attempt to protect the community from a sanitary point of view—not to regulate the traffic. As regards this point, I must say that after reading the colloquy between our respected chairman and Mr. Folks, it seems to me that the distinctions Mr. Folks makes between the Page law and the French system of reglementation are exceedingly tenuous. I think Dr. Morrow is quite right in saying that it is a distinction without a difference. Mr. Folks makes a great deal of the point that in the one case we deal only with vagrants, with criminals, whereas, in France, they deal with any person found walking the streets. But is that really a distinction? Is not every one who is found walking the streets in this city to-day considered a vagrant? Is there really any distinction between the details of the French system and those of the Page law, so far as that is concerned? I fail to see it.

Secondly, it may be said—and that is an opinion that deserves respectful consideration—that the Page law is a measure of beneficence in that it provides humane treatment for the unfortunate women who happen to be diseased. Here, however, we must remember that the number who are affected by the Page law are so few, so infinitesimal—perhaps a few dozen or a few hundreds, as

compared with the tens of thousands of prostitutes in the city—as to be negligible. *De minimis non curat lex.* But even conceding that we do deal with a large number, is it necessary to have a law so degrading and humiliating as the Page law in order to give these unfortunate women the benefits of medical treatment? No one would object to an increase in our facilities for treatment, hospital, reformatory, or otherwise, designed to give these women a chance to regain their health. But to say that we need the Page law with its system of finger-print identification, and its degrading and compulsory examination in the police court in order to effect that result, is a very different matter. The end may be desirable, but the particular methods employed to reach that end are, in my opinion, exceedingly undesirable.

In the third place, the Page law makes use of the ordinary policeman and the ordinary police court. Now, if there is one thing on which most scientists and experts who have dealt with the problem abroad agree, it is that of all the people in the world the most unsuitable to administer such a system are the ordinary police and the ordinary police court. For that reason, France, which has led the way in this respect, has a separate body known as the *police des mœurs*, quite distinct from the ordinary police and not subject by any means to the same temptations and weaknesses. Even assuming that everything else about the Page law was good, this one fact would, in my opinion, be sufficient to convict it.

Fourthly, the Page law, as I take it, seeks to achieve one end and yet confuses it with another. Its object is sanitary control; it desires, to a certain extent, reformation; and it attempts to accomplish these things by punishment. The confusion between the punitive and the reformatory ideas is a gross one. While one may sometimes kill two birds with one stone, you generally have to choose between them.

And in this case a choice is necessary. The kind of punishment meted out by the Page law is not calculated to reform.

We come now to the principal indictment against the law. I should say that the chief aim of the Page law, which is to protect the health of the community—and let us frankly confess it: primarily, the health of the patrons, the health of the male sex,—is not attained and cannot be attained, because the sanitary protection turns out to be illusory. It is here, perhaps, that I may venture to speak with a little more assurance than in those other domains which are those of the expert physician or even the sociologist. For it is here that certain economic considerations come into play. After all, we are dealing here with services which have a price, and like everything else which has a price it is an economic problem. It has, of course, its sanitary, moral, and social aspects, but none the less there is a decided economic aspect to it. Now when we say that it is regulated by demand and supply we don't say much about it, for the province of the economist is to study in detail the forces which affect demand and supply. Mr. Folks—so far as I can learn from the report of the last session of the Society—says that it is a simple arithmetical problem: that if you take away a certain number, the total will be less than before.

I should say yes; if you have a lake of water and you take out a bucketful, of course, arithmetically, there is less water in the lake than before: but practically is there not the same amount as before? Removing ten or twenty or a hundred from the tens of thousands of these unfortunates is so insignificant that you may virtually disregard it. But even if we grant that you do remove a large number of women in this way through the Page law, what would be the result? If there is one thing definitely fixed in economic science, it is that when you are dealing with reproducible

goods, things manufactured at practically the same cost, the chief point is not the supply but the demand; *i. e.*, the supply always adjusts itself to the demand. When you do nothing to affect the demand, and when you affect the supply only at one end, you are really not changing the situation. Take a mill-race with the water running in at one end and going out at the other. If you take water out of the lower end but do not change the inflow—the upper end—the level remains the same. The Page law at best takes out some of the supply at the lower end, but that does not prevent a corresponding change in the supply at the upper end; and as long as you do not change the total supply the situation remains the same. In other words, the supply of these unfortunate women on the streets will be made good from other sources. I concede that if you were to stop the water at the upper end you might do some good; but I am not sure how much, because there is another accepted economic principle: *i. e.*, that by diminishing the supply you do not diminish the demand unless the point of saturation has been reached. Suppose that you have a large number of liquor saloons, and that you diminish the number by a tenth or a quarter. Are you checking the supply? Will not the only result be that you will increase the patronage of the remaining liquor saloons? It is not until the saloons become uncomfortably crowded that the patrons would be tempted to go somewhere else, and then, indeed, if there were nowhere else to go to, the effect would be felt. Therefore, even the diminution of the supply through a police regulation which would prevent street-walking, would attain the desired result only if it brought about a decided diminution in numbers.

The Page law, however, not only fails to affect the supply at all, leaving the demand as before—but it affects the demand the wrong way. The only way in which supply

can affect demand is through a change in the quantity or quality of the supply. The quantity of the supply now is, as we have just seen, not changed by the Page law, but the quality is changed. To the extent that people will get the idea that the street-walkers are not diseased either after they have been treated or when they have been discharged as not in need of treatment, the imagined improvement in the quality of the services offered for sale will tend to attract purchasers who would otherwise be somewhat suspicious or on their guard. It will tend, in other words, to augment the demand. At all events, it is reasonably sure that as an economic proposition the Page law is illusory, in so far as concerns the hope that it would bring about a decided diminution in prostitution.

But, finally, if I do not believe in regulation and if I do not believe in the Page law, in what do I believe? I think that that is a fair question. Every one has a right to object to a man or a woman who says "Hands off"; or, like the ostrich, puts his head in the sand and says: "Don't let us talk about it, it does not exist." The way to deal with the problem is to influence both supply and demand. You can affect the supply in several ways. One of these is to secure the introduction of general economic and social measures which tend to raise the whole plane of the standard of life. For the problem is, nowadays, primarily a social and economic one. It is, in large measure, the problem not of the moral pervert but of the woman who has not enough to live on and who, therefore, takes to this practice as a means of livelihood. You can affect the supply by doing what is needful in connection with the white-slave traffic. Furthermore, you can change the character as well as the quantity of the supply. You can accomplish this by regulating and improving the dance halls and the Raines-Law hotels, and by checking the other things that tend to convert the occasional into

the professional prostitute. On the other hand, you can affect the demand in many ways, some of which have been emphasised so magnificently by this society under whose auspices we are meeting to-night. You can affect the demand by proper education; you can provide the opportunity of securing knowledge, and do much to make the situation very different from what it is to-day. You can change the demand by requiring a license of good health and freedom from these diseases before marriage—a by no means impracticable or visionary scheme, and one the necessity of which is already beginning to be recognised in some of our states. You can alter both demand and supply in many other ways which it is not my province to point out, for it has been a critical rather than a constructive thought which I wish to present to-night.

The great trouble with all our efforts has been the lack of continuity of effort. The Committee of Fifteen did what it could, but the community soon lapsed from the stage of enthusiasm and high moral force; the flame which burned so brilliantly for a time died out—and so it is with most of our efforts at reform. This society takes up one phase of the subject—only one little phase, and yet in itself large enough, for without this society it would have been impossible to speak to you to-night as I have done. To have accomplished merely the possibility of a free discussion of such subjects is no mean result.

I want to plead for an organisation which will remain constantly in operation, which will study these questions, which will not take a mere snap-shot at them, as did those worthy gentlemen who enacted this particular provision of the Page law, but which will study the whole problem from the medical standpoint, the social standpoint, the economic standpoint, and the moral standpoint; and which will not alone prepare legislation, but will help the government in administering whatever laws or ordinances may be

found to be desirable. If the result of a discussion like this is to bring into existence an organisation of permanent character which will create and maintain a continuity of effort, we may look forward to the time not indeed when we can extirpate prostitution—for that will not come very easily nor very quickly; not to the time when we can discover a panacea for the trouble; but to the time when, even if we shall not be able to attack the evil in front, we may be able to effect a breach in the side, which will gradually but surely expose and lay bare more and more of the hideous enemy which constitutes, perhaps, the worst of our modern evils.

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<sup>1</sup>In the preparation of this part of the bibliography the editor received much aid from Miss Marion Dodd, the secretary of the American Vigilance Association, who generously provided duplicate cards of all the numerous items in the Association library.

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